PINAL • COUNTY
wide open opportunity

NOTICE OF PUBLIC MEETING AND AGENDA OF THE PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

AMENDED

Regular Meeting
10:00 a.m.
Thursday, June 23, 2016
EOC Room – Building F
31 N. Pinal St. Florence, Arizona

There may be a supplemental agenda for this hearing, please check with the Community Development Department at 520-866-6442.

Please turn off cell phones and other electronic devices or place in silent mode.

Action means discussion/recommendation for approval or denial to the Board of Supervisors on the following Planning Cases. (Numbers are shown for administrative convenience only. All interested persons should be aware that the cases may be heard in an order different than that shown on the agenda).

A work session is not a public hearing. For matters that are not listed as "public hearings" the public may attend and listen to the proceedings, but may only address the Commission with its permission.

BOARD OF ADJUSTMENT MEMBERS

( ) **WOLF, Chairman** ( ) **SABEL, Vice-Chairman**

( ) **DAVILA, Member** ( ) **DEVLIEGER, Member**

( ) **KENNEDY, Member**

AGENDA

1. **CALL TO ORDER:**

2. **PLANNING DIRECTOR DISCUSSION ITEMS:** No items to discuss

3. **MINUTES OF PREVIOUS MEETING:** February 25, 2016

HEARING SCHEDULE:

4. **BA-002-16 – PUBLIC HEARING/ACTION:** Asset Advisors Consulting LLC, c/o Jeff Glover, requesting a variance to **Section 2.20.020.G** of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet for a single family residential dwelling; **Section 2.20.030.D** of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures (pending approval of a Minor Land Division); **Section 2.20.030.E** of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure on a Tax Parcel 510-72-014 & 016 (portion thereof) legal on file) (south of Teel Rd. along Warren Rd. on the east side in western Pinal County).

EXECUTIVE SESSION:

The Board of Adjustment will go into executive session for purposes of obtaining legal advice from the County's attorney(s) on case BA-003-16 pursuant to A.R.S.§ 38-431.03 (A)(3).

5. **BA-003-16 – PUBLIC HEARING/ACTION:** Joey Martinez requesting a variance to **Section 2.40.020.B** of the PCDSC, to allow a reduction in the minimum required lot area from 54450 square feet (1.25 acres) to 44,431 square feet (1.02 acres) to allow the placement of a single family residential dwelling; on a 1.2± acre parcel in the (GR) General Rural zone, described as Lot 78 of Toltec Estates West, Book 11 Page 43, P.C.R., Tax Parcel 408-03-079B (legal on file) (located at the south west comer of the intersection of Gun Fury Rd. and Montezuma Road in the Arizona City Area

ADJOURNMENT

The Board of Adjustment and Appeals may go into executive session for purposes of obtaining legal advice from the County's attorney(s) on any of the above agenda items pursuant to A.R.S.§ 38-431.03 (A)(3).

Supporting documents for the above-listed matters are available at the Pinal County Community Development Office for public inspection at least 48 hours prior to the meeting at the Pinal County Community Development Department, Pinal County Complex, Building F, 31 N. Pinal Street, Florence, Arizona, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. and on the internet at:

http://pinalcountyaz.gov/COMMUNITYDEVELOPMENT/PLANNING.aspx

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Community Development Department at 520-866-6442 at least five business days prior to the meeting.

Greg Stanley
County Manager

PINAL • COUNTY
wide open opportunity

PINAL COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT MINUTES OF FEBRUARY 25, 2016

PRESENT: Mr. Tom Wolf, Chairman; Mr. Frank Davila, Member; Mr. Richard Kennedy, Member

STAFF PRESENT: Mr. Steve Abraham, Planning Manager; Mr. Evan Balmer, Planner I

The meeting was called to order at 10:00am, this date by Chairman Wolf, in the Planning and Development Conference Room, Building F, Florence, Arizona.

Chairman Wolf gave an overview of the meeting proceedings and agenda.

PLANNING DIRECTOR DISCUSSION ITEMS:

- Mr. Abraham discussed the possible expansion of the duties of the Board of Adjustment to include hearing appeals of the Hearing Officer's decision in code compliance cases. These cases are currently being heard by the Board of Supervisors, but the County Manager has instructed Staff to look at the possibility of these cases being heard by the Board of Adjustment. Mr. Abraham stated that the County Manager would like to examine the possibility of the Board of Adjustment also hearing appeals from the Floodplain Administrator. Both of these ordinances have been drafted and Staff is just waiting on a direction from the Board of Supervisors.

  Chairman Wolf asked about how long it would take to implement these changes and Mr. Abraham responded that it could take several months to complete.

DISCUSSION/APPROVAL/DISAPPROVAL

1. MINUTES OF PREVIOUS MEETING: August 27, 2015

Chairman Wolf asked if there were any comments on the minutes. Hearing none, Chairman Wolf asked if there was a motion.

MOTION:

Mr. Davila made a motion to approve the August 27, 2015 meeting minutes with Mr. Kennedy seconding the motion. The motion carried unanimously.

HEARING SCHEDULE:

2. **BA-002-15 – PUBLIC HEARING/ACTION:** Solera at Johnson Ranch HOA, landowner, Kevin Kerpan, applicant, requesting a reduction in the off street parking requirements of Section 2.140.020; to decrease the parking space requirement for an assembly hall from: one (1) space per every fifty (50) square feet of total floor area used for public assembly or one (1) space per three (3) seats in the main assembly room, whichever is greater, to 83 total spaces on a 12.56± acre parcel in the CR-4/PAD zone, situated in a portion of Section 18, T3S, R8E, G&SRB&M, Tax Parcel 210-74-189A (legal on file) (adjacent to the east side of Echo Canyon road in the San Tan Valley area).

Mr. Balmer explained that case BA-002-15 is a request to decrease the parking requirements of the zoning code.

Mr. Balmer used a PowerPoint to give an overview of the property and the request. Mr. Balmer went on to state that when the project originally came in for Site Plan Review adequate parking was provided under the code in place at the time. Mr. Balmer also noted that Solera is a gated, age-restricted community and the streets within the community are private and not maintained by the County. Additionally, many of the residents either walk or bike to the community center.

Mr. Balmer stated that Mr. Abraham had a conversation with one of the managers of the community center and the Solera HOA does have the ability to utilize the much larger Johnson Ranch community center in the event that the space was needed for a large event.

Mr. Balmer explained that three stipulations for this case have been included in the staff report in the event the Board chooses to approve this request.

Chairman Wolf asked how the stipulation requiring on street parking to occur only on one side of the street would be enforced given that the streets in the community are private. Mr. Balmer responded that there are two types of special events, small special events and large special events, both of which require a permit. In the event the HOA needs a special event permit, part of that process involves submitting a parking and traffic management plan.

Chairman Wolf called the applicant, Kevin Kepan, forward. Mr. Kerpan explained the history of the community center and the need for the expansion. The expansion would allow the HOA to double the space available for classes and community functions. Additionally, the classes are staggered throughout the day, so the parking lot would rarely reach full capacity. In the event the that the parking lot is filled, there is the ability to park 25-28 cars on one side of Echo Canyon Drive without obstructing any driveways.

Chairman Wolf opened the hearing to the public.

Mr. Abraham stated that Staff had circulated the application to several County departments. The Public Works department had no comments and the Sheriff's Department did not respond; however, normal motor vehicle violations would still be enforced, including citations for obstructing fire hydrants.

Mr. Davila asked if obstructing the fire hydrants was anticipated. Mr. Kerpan explained that he was not aware of any hydrants in the immediate area.

Ms. Laurie Gentilie came forward to express to the Board that this expansion was needed to accommodate the day-to-day activities and classes in the community center.

Mr. Darrell White came forward and explained the size limitations of the current community center stating that the current room can only accommodate 18 people for the yoga class, which does not meet the current demand.

Chairman Wolf asked how large the Solera community is and if it is currently built out. Mr. White responded that it is approximately 727 homes and is built out.

Chairman Wolf closed the public hearing and asked if the Board had any comments.

Mr. Davila stated that he did not have any comments but was ready to make a motion.

MOTION:

Mr. Davila made a motion to approve a reduction in the off street parking requirements of Section 2.140.020; to decrease the parking space requirement for an assembly hall from: one (1) space per every fifty (50) square feet of total floor area used for public assembly or one (1) space per three (3) seats in the main assembly room, whichever is greater, <u>to 83 total spaces</u> based on the following findings:

(a) There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district;

(c) That the strict application of the regulations would work an unnecessary nonfinancial hardship; and

(e) The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Subject to the following conditions:

1.) Any special events conducted at the Solera at Johnson Ranch community center will be required to go through the Special Event permitting process with County staff, events that are considered "Large" events under the PCDSC are prohibited at this facility.

2.) No additional expansions of the community center will be permitted.

3.) If on-street parking is required as part of a special event, it shall occur on only one side of the street.

Mr. Kennedy seconded the motion. The motion carried unanimously.

ADJOURNMENT:
Meeting ended at 10:25 AM.

RESPECTFULLY submitted this 23rd day of June, 2016

_____
Tom Wolf, Chairman

_____
Steve Abraham, Planning Manager

PINAL • COUNTY
wide open opportunity

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: June 23, 2016

CASE NUMBER: BA-002-16

CASE COORDINATOR: Steve Abraham, Planning Manager

Executive Summary:

Under this case there are three separate variance requests to modify the setbacks of the SR zone. Construction was done on three structures all without appropriate building permits or zoning clearances. One structure is a single family residential dwelling the other three are designed as accessory structures to the proposed residential use. The buildings are unoccupied and the property is bordered by the Santa Rosa Canal. One of the three variances are requested due to the applicant's desire to further split the land through the minor land division process.

If This Request is approved:

This variance will allow the constriction and use of structures in locations not normally allowed in the SR zone.

Staff Recommendation/Issues for Consideration/Concern:

Staff offers no recommendation for the request to vary Section 2.20.020 G and Staff recommends denial of the requests to vary Section 2.20.030D and E.

BA-002-16 – PUBLIC HEARING/ACTION: Asset Advisors Consulting LLC, c/o Jeff Glover, requesting a variance to **Section 2.20.020.G** of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet for a single family residential dwelling; **Section 2.20.030.D** of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures (pending approval of a Minor Land Division); **Section 2.20.030.E** of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure on a Tax Parcel 510-72-014 & 016 (portion thereof) legal on file) (south of Teel Rd. along Warren Rd. on the east side in western Pinal County).

LEGAL DESCRIPTION: A 10.3± acre parcel in the (SR) Suburban Ranch zone, situated in a portion of the NW¼ of Section 35, T05S, R02E, G & SRB & M

TAX PARCEL: 51072014 & 016 portion thereof

LANDOWNER/APPLICANT: Asset Advisors Consulting LLC, c/o Jeff Glover

REQUESTED ACTION AND PURPOSE: requesting a variance to **Section 2.20.020.G** of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet for a single family residential dwelling; **Section 2.20.030.D** of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures (pending approval of a Minor

Land Division); **Section 2.20.030.E** of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure

LOCATION: The subject property is located approximately ¼ mile south of Teel Rd. along Warren Rd. on the east side.

SIZE: 10.3± acres

EXISTING ZONING AND LAND USE: SR (Suburban Ranch), the property is currently being developed residentially.

SURROUNDING ZONING AND LAND USE:

North: SR (Suburban Ranch Zone) – vacant
South: SR (Suburban Ranch Zone) – Residential
East: SR (Suburban Rural Zone) – vacant
West: GR (General Rural Zone) – vacant

SITE DATA: Flood zone X, outside the 100 and 500 year floodplain.

ANALYSIS: The subject property is located within the Moderate Low Density Residential Designation of the Pinal County Comprehensive Plan. The proposed land use conforms to the plan.

To date, no comments in favor or opposition have been received.

Staff's public participation and notification of the cases include:

Newspaper publish dates:	Week of May 2, 2016
Mail-outs:	week of 05/09/2016
Site Posting:	05/18/2016
Website:	week of 05/09/2016

HISTORY: The subject property was rezoned to SR suburban ranch under case PZ-401-73 in December of 1973. There is currently a single family home and two other structures under construction on the property. No other land use entitlements have been granted.

Staff conducted a very thorough analysis of the history of this case and found that the prior owners of the property originally submitted a building permit for the construction of the home in 2007. The permit was never issued and the permit application was closed due to non-payment of fees. Staff has included "Staff's Exhibit A" which is a set of screen prints from the County's permitting software documenting the case. Staff was unaware the owner continued construction on not just one but a total of three structures after the permit had closed. Staff became aware of the situation when the current owners (Mr. Glover) submitted a Minor Land Division application to Community Development staff in early April of this year. Staff informed Mr. Glover that the division request would not be approved due to zoning and building code violations.

EVIDENCE REQUIRED FOR VARIANCE:

a. *There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.*

b. The special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self imposed by the property owners within the subject area.

c. The strict application of the regulations would work an unnecessary nonfinancial hardship.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

Because there are three different requests with this case staff will provide analysis and motions with findings for all three requests separately

Request #1: Variance to **Section 2.20.20.G** of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet for a single family residential dwelling

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

ANALYSIS: The property has legal access. The property lines are regular and unremarkable and were created by legal description through regular property deeding and recording. There is, however, a unique property feature in that the rear of the property is bordered by the *Santa Rosa* canal. This canal was acquired by the federal government as part of a condemnation in 1986. It is a separate parcel and at this location approximately 220 feet wide. Typically, in SR zoning there are 50 foot rear year setbacks. In effect there would be 100 feet between main buildings on rear yard abutting properties; this distance is exceeded with the presence of the canal, even with the structure's present location. Staff would be remiss though if we didn't mention that the properties (and others nearby) were vacant for over twenty years, so the impact of the canal on the use and of the land is debatable.

FINDING: There do appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. That the special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.

ANALYSIS: As evidenced by staff's "exhibit a" the property owner sought a building permit but never completed the process. Further, the home is in a location that doesn't match the original application and the property is ten acres in size with no topographical constraints.

To Staff's knowledge there are no claims of fraudulent activity by hired contractors, or, are there any known property line issues or discrepancies. There do not appear to be any constraints on locating the home in compliance with the zoning ordinance.

FINDING: The special circumstances referred to in subsection (C)(4)(a) are self imposed.

c. *That the strict application of the regulations would work an unnecessary nonfinancial hardship.*

ANALYSIS: As discussed above, the property is ten acres in size with no known topographical constrains. If the original owner went through the proper channels and placed the home where they indicated it would be on the permit there would have been no issue.

FINDING: Staff finds that the strict application of the regulations would not work an unnecessary nonfinancial hardship.

d. *The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.*

ANALYSIS: As mentioned earlier, when the condemnation occurred, the property was vacant and remained vacant for an additional twenty years. So there was no immediate impact on existing land uses. The fact that the canal took away land could be used as justification to allow a reduction in that no construction can occur on the canal bank and the net canal width (220 feet) well beyond a typical SR zone setback

FINDING: Staff finds that granting the variance does not appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. *The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

ANALYSIS: If approved the home would have to be constructed according to building code standards and as mentioned earlier is actually further away from neighbors than what would be normally allowed under SR zoning. Additionally the home is over 350 feet away from adjoining properties to the north and the south.

FINDING: The granting of this variance will not affect the health or safety of persons residing or working within the subject area and adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

STAFF SUMMARY AND RECOMMENDATION: Based on the applicant's submittal documents and several site visits, staff was able to indentify evidence to support a variance however this does appear to be a blatant case of disregard for not only zoning regulations but providing inaccurate permit documents.

While there is evidence for variance and the net effect of the variance doesn't appear to have any detrimental effect on neighboring property owners. Staff will continue to assert that time (20 + years) and the sheer size of the parcel play an important factor in the discussion, hence the <u>No Recommendation</u>, recommendation by Staff.

Lastly, all Submittals, evidence presented, written documentation, public testimony, Planning Case Staff Report (BA-002-16) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:
**(Staff recommends please cite a minimum of three findings)
***(Suggested finding)

I move to approve case BA-002-16, request #1; a variance to **Section 2.20.020.G** of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet to allow the construction of a single family dwelling, based on (*please cite a minimum of three findings in a-e above*) with the following conditions:

1. all State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

2. this variance applies to residential uses only other use in the SR zone shall meet applicable setbacks as required under the SR Zoning District

To Deny:

I move to deny case BA-002-16, request #1; a variance to **Section 2.20.020.G** of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet to allow the construction of a single family dwelling, (*please cite a minimum of one finding*) as set forth in the staff report.

*** The special circumstances referred to in subsection (C)(4)(a) are self imposed

---

Request #2: Variance to **Section 2.20.030.D** of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures (pending approval of a Minor Land Division);

Note: the three accessory structures are indicated on the attached site plan as bldg 2, 3 and 4

a. *There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.*

ANALYSIS: The property has legal access. The property lines are regular and unremarkable and were created by legal description through regular property deeding and recording. Unlike the first request though, the *Santa Rosa* canal has no bearing on the placement of the accessory structures because the setback is measured from the front property line. The request is being made to accommodate a proposed Minor Land Division. Because the MLD request was reviewed and denied (unofficially) due to setback violation from unpermitted construction, there is no expectation of use on behalf of the property owner, the conditions creating the hardship are directly from the landowner.

***FINDING*:** There do not appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. *That the special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.*

***ANALYSIS*:** As evidenced by staff's "exhibit a" the property owner sought a building permit but never completed the process. To Staff's knowledge there are no claims of fraudulent activity by hired contractors, or, are there any known property line issues or discrepancies. There do not appear to be any constraints on locating the accessory structures in compliance with the zoning ordinance and the only cause of the hardship is a desire to split the land further.

***FINDING*:** The special circumstances referred to in subsection (C)(4)(a) are self imposed.

c. *That the strict application of the regulations would work an unnecessary nonfinancial hardship.*

ANALYSIS: As discussed above, the property is ten acres in size with no known topographical constrains. If the original owner went through the proper channels and placed the accessory structures in a location that provided for future land division there would have been no issue.

***FINDING*:** Staff finds that the strict application of the regulations would not work an unnecessary nonfinancial hardship.

d. *The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.*

***ANALYSIS*:** There is nothing preventing the placement of the accessory structures in a location allowed by the zoning ordinance. Further, they are not considered "primary" uses. An accessory building related to a residential use is not a substantial property right. Plus if the land split were not to occur two of the structures could be continued to be used in their present location.

***FINDING*:** Staff finds that granting the variance does not appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. *The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

***ANALYSIS*:** If approved the setback would be roughly reduced by 66% and is only needed to accommodate a land division. The setback is 100 feet to provide adequate space and a rural atmosphere. Plus the fact that the applicant needs the variance to essentially add residential density to the area undermines the intent of the SR zoning district and the MLD section of the PCDSC.

***FINDING*:** The granting of this variance will not affect the health or safety of persons residing or working within the subject area and adjacent properties, but WILL be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

STAFF SUMMARY AND RECOMMENDATION: Based on the applicant's submittal documents and several site visits, staff was unable to indentify evidence to support a variance. The request simply to accommodate a future land division, in staff opinion, severely undermines the intent of the SR zoning district and the MLD section of the PDSC. The current review system and codes were established to detect potential zoning issues that arise to curb passing those issues along to unsuspecting property owners, It also ensures all lots created through MLD are unencumbered and don't require variance to enjoy property rights. Further, the accessory structures are a result of an inaccurate and incomplete building permit submittal, hence the recommendation of denial by Staff.

Lastly, all Submittals, evidence presented, written documentation, public testimony, Planning Case Staff Report (BA-002-16) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:
**(Staff recommends please cite a minimum of three findings)
***(Suggested finding)

I move to approve case BA-002-16, request #2; a Variance to **Section 2.20.030.D** of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures (pending approval of a Minor Land Division); based on (*please cite a minimum of three findings in a-e above*) with the following conditions:

1. all State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

2. this variance applies to residential accessory uses only other uses in the SR zone shall meet applicable setbacks as required under the SR Zoning District

To Deny:

I move to deny case BA-002-16, request #2; a variance to **Section 2.20.030.D** of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures, (*please cite a minimum of one finding*) as set forth in the staff report.

*** The special circumstances referred to in subsection (C)(4)(a) are self imposed

---

Request #3: Variance **Section 2.20.30.E** of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure.

Note: this request is specifically regarding bldg #2

a. *There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.*

ANALYSIS: The property has legal access. The property lines are regular and unremarkable and were created by legal description through regular property deeding and recording. Unlike the first request though, the *Santa Rosa* canal has no bearing on the placement of the accessory structures because the setback is measured from the north property line which is in staff's opinion the along with the front property line the only lines not encumbered by the *Santa Rosa* canal front property line, the conditions creating the hardship are directly from the landowner.

FINDING: There do not appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. *That the special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.*

ANALYSIS: As evidenced by staff's "exhibit a" the property owner sought a building permit but never completed the process. To Staff's knowledge there are no claims of fraudulent activity by hired contractors, or are there any known property line issues or discrepancies. There do not appear to be any constraints on locating the accessory structures in compliance with the zoning ordinance and the only cause of the hardship is was the previously property owners continuation of unpermitted construction and inaccurate submittal of permit documentation

FINDING: The special circumstances referred to in subsection (C)(4)(a) are self imposed.

c. *That the strict application of the regulations would work an unnecessary nonfinancial hardship.*

ANALYSIS: As discussed above, the property is ten acres in size with no known topographical constrains.

FINDING: Staff finds that the strict application of the regulations would not work an unnecessary nonfinancial hardship.

d. *The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.*

ANALYSIS: There is nothing preventing the placement of the accessory structures in a location allowed by the zoning ordinance. Further, they are not considered "primary" uses. An accessory building related to a residential use as not a substantial property right.

FINDING: Staff finds that granting the variance does not appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. *The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

ANALYSIS: If approved the setback would be roughly reduce the setback by seven inches and is in a compliant location on the rear of the property.

FINDING: The granting of this variance will not affect the health or safety of persons residing or working within the subject area and adjacent properties, but WILL be materially

detrimental to the public welfare or injurious to property or improvements in the neighborhood.

STAFF SUMMARY AND RECOMMENDATION: Based on the applicant's submittal documents and several site visits, staff was unable to indentify evidence to support a variance. This is a result of the previous property owners desire not to seek proper permits and/or submit accurate permit information hence the recommendation of denial by Staff.

Lastly, all Submittals, evidence presented, written documentation, public testimony, Planning Case Staff Report (BA-002-16) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:
**(Staff recommends please cite a minimum of three findings)
***(Suggested finding)

I move to approve case BA-002-16, request #3; a Variance **Section 2.20.30.E** of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure based on (*please cite a minimum of three findings in a-e above*) with the following conditions:

1. all State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

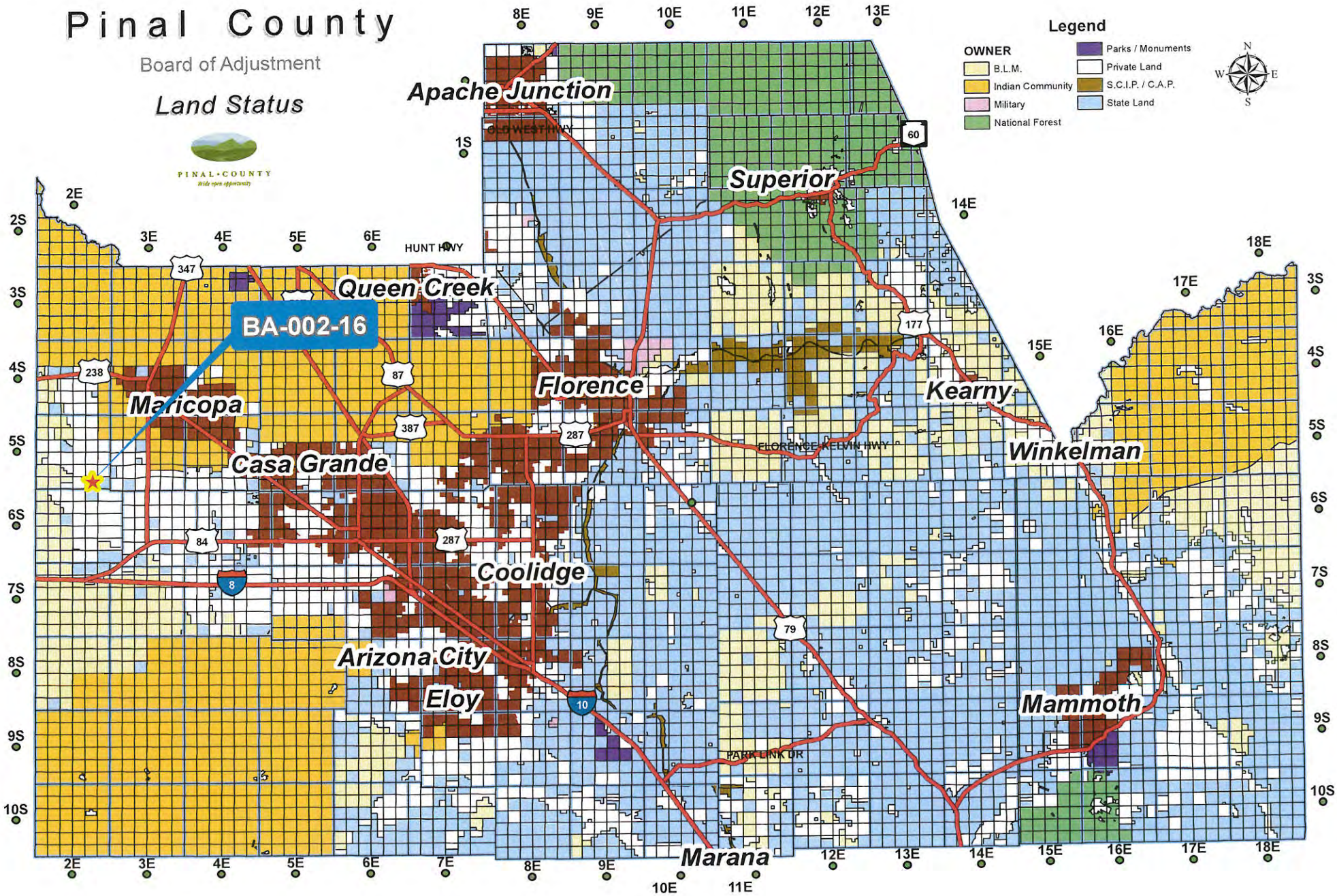
2. this variance applies to residential accessory uses only other uses in the SR zone shall meet applicable setbacks as required under the SR Zoning District

To Deny:

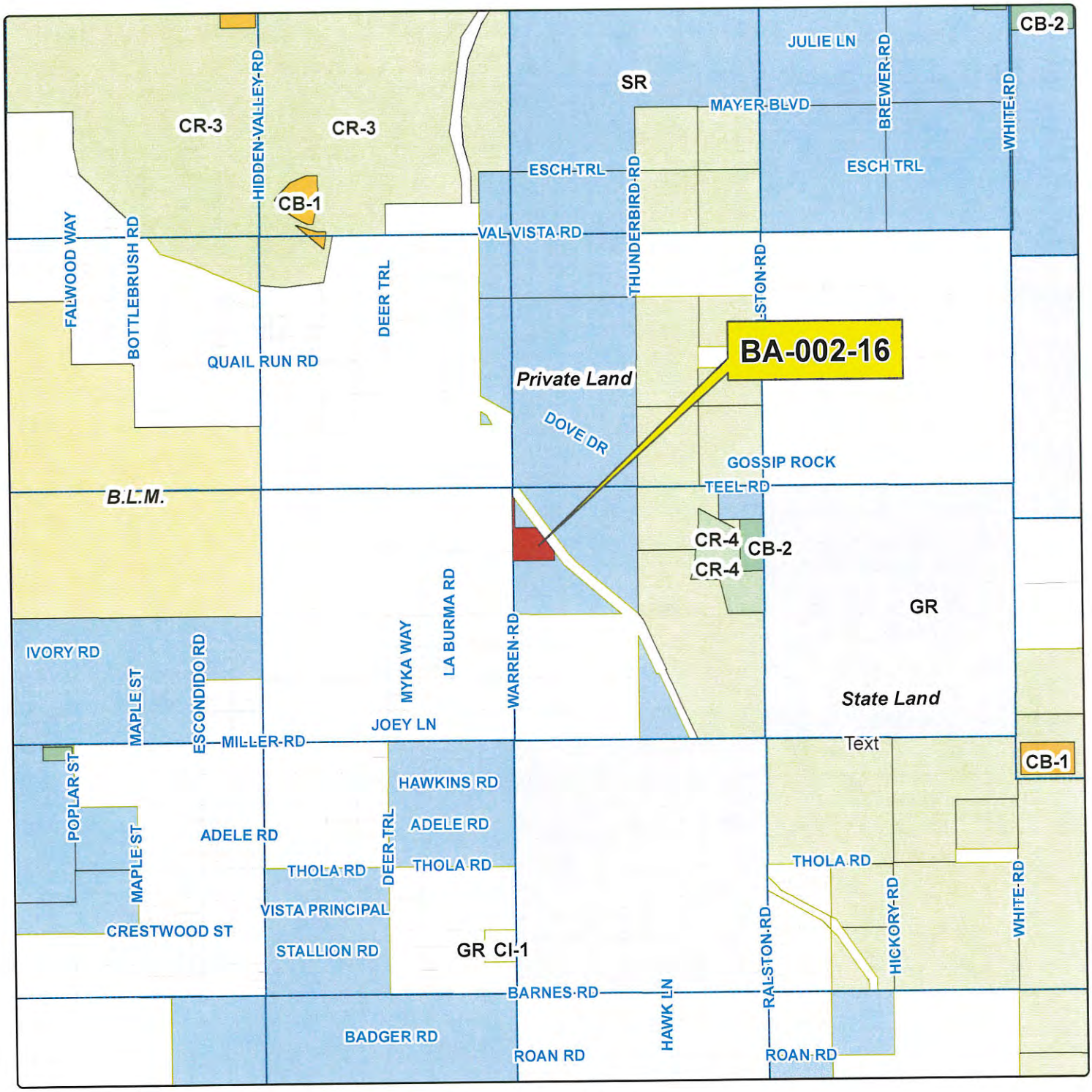
I move to deny case BA-002-16, request #3; a Variance **Section 2.20.30.E** of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure, (*please cite a minimum of one finding*) as set forth in the staff report.

*** The special circumstances referred to in subsection (C)(4)(a) are self imposed

DATE PREPARED: 06/13/2016 - sja
REVISED:



Pinal County
Board of Adjustment
Land Status
PINAL•COUNTY
Legend
OWNER
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
N
S
E
W
Apache Junction
Superior
Queen Creek
BA-002-16
Maricopa
Florence
Kearny
Winkelman
Casa Grande
Coolidge
Arizona City
Eloy
Mammoth
Marana
OLD WEST HWY
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR
60
347
238
87
387
287
177
84
8
79
10



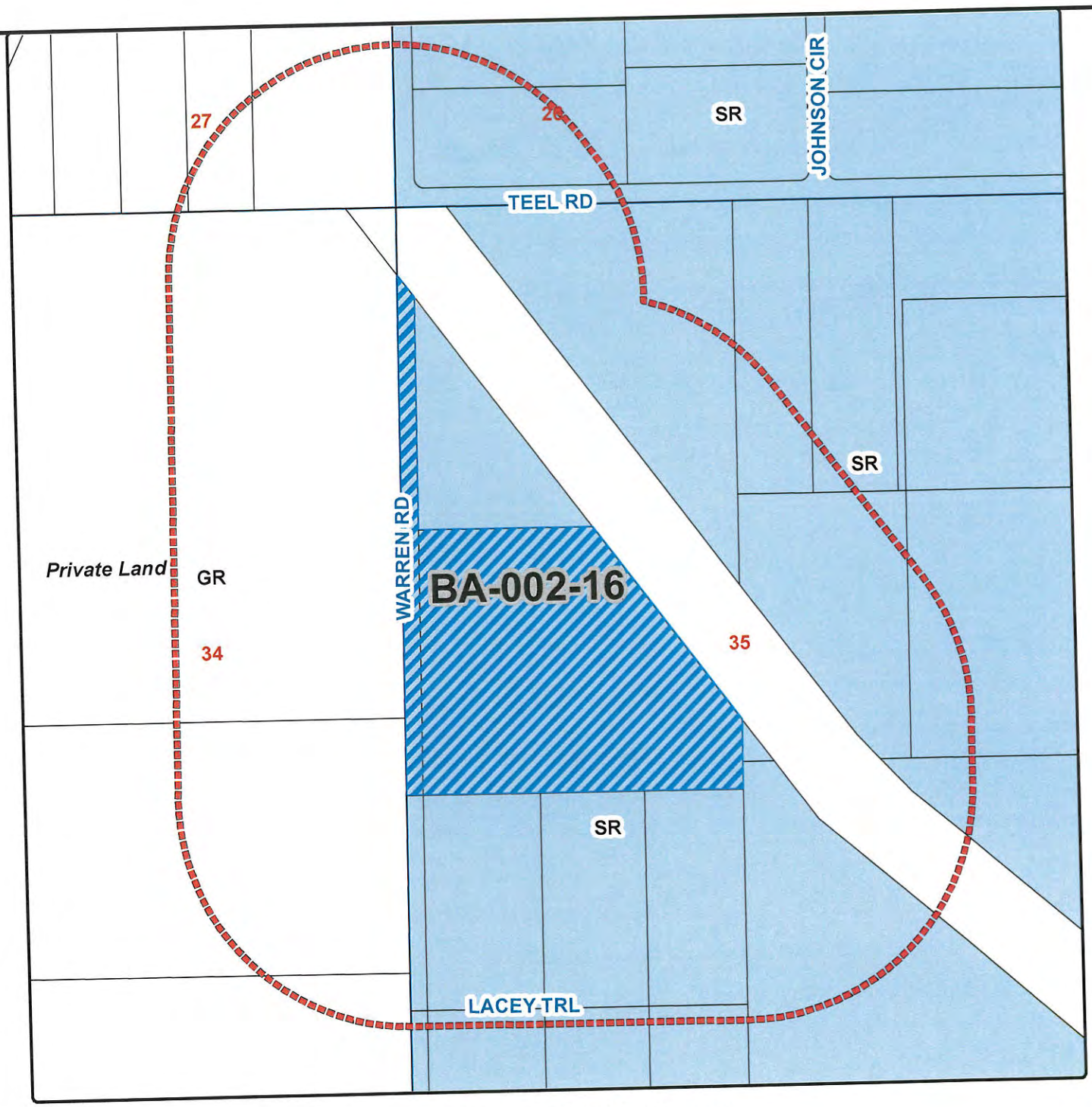
Board of Adjustment

Community Development

PINAL • COUNTY

Wide open opportunity

ASSET ADVISORS CONSULTING LLC	***Legal Description:*** Situated in a portion of the Section 35, T05S,R02E, G&SRB&M, 510-72-014 & 016 (legal on file) (south of Teel Rd. along Warren Rd. on the east side in western Pinal County). T05S-R02E Sec 35	Sheet No. 1 of 1	ASSET ADVISORS CONSULTING LLC Drawn By: GIS / IT / LJT — Date: 05/12/2016 Sections 35 — Township 05S — Range 02E Case Number: BA-002-16



Board of Adjustment

BA-002-16 – PUBLIC HEARING/ACTION: Asset Advisors Consulting LLC, c/o Jeff Glover, requesting a variance to Section 2.20.20.G of the PCDSC, to allow a rear yard setback reduction from 50 feet to 12.3 feet for a single family residential dwelling; Section 2.20.30.D of the PCDSC, to allow a front yard setback reduction of 100 feet to 39.3 feet to allow the placement of three accessory structures (pending approval of a Minor Land Division); Section 2.20.30.E of the PCDSC, to allow a side yard setback reduction from 4 feet to 3.3 feet to allow the placement of one accessory structure on a 10.3± acre parcel in the (SR) Suburban Ranch zone, situated in a portion of NW¼ of Section 35, T05S, R02E, G & SRB & M, Tax Parcel 510-72-014 & 016 (portion thereof) legal on file) (south of Teel Rd. along Warren Rd. on the east side in western Pinal County).

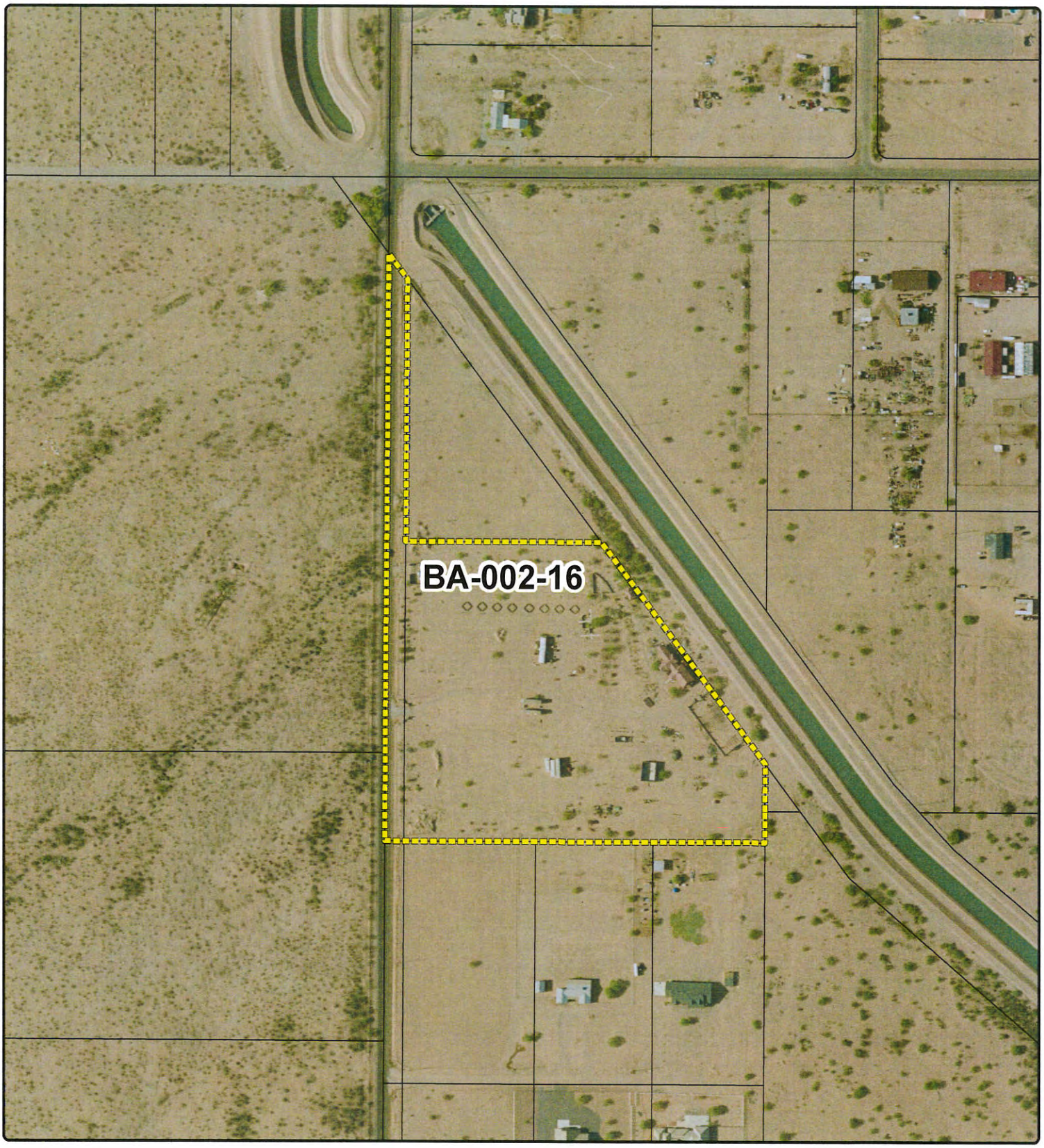
Current Zoning: SR
Request Zoning: Board of Adjustment
Current Land Use: VLDR

PINAL • COUNTY
Wide open opportunity

Legal Description:
Situated in a portion of Section 35, T05S, R02E, G&SRB&M, 510-72-014 & 016 (legal on file) (south of Teel Rd. along Warren Rd. on the east side in western Pinal County).

T05S-R02E Sec 35

Owner/Applicant: ASSET ADVISORS CONSULTING LLC			
Drawn By: GIS / IT / LJT		Date: 05/12/2015	
Sheet No. 1 of 1	Sections 35	Township 05S	Range 02E
Case Number: BA-002-16			



Board of Adjustment

NORTH

PINAL • COUNTY
Wide open opportunity

BA-002-16

RECORD OF SURVEY

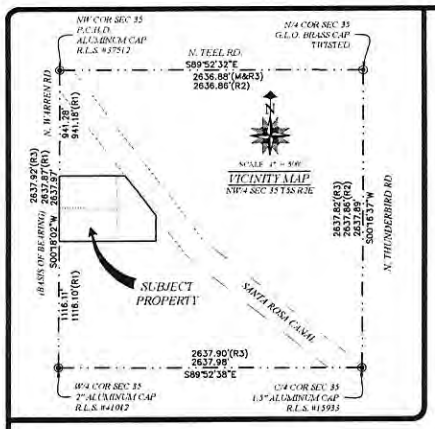
LOT COMBO/MINOR LAND DIVISION

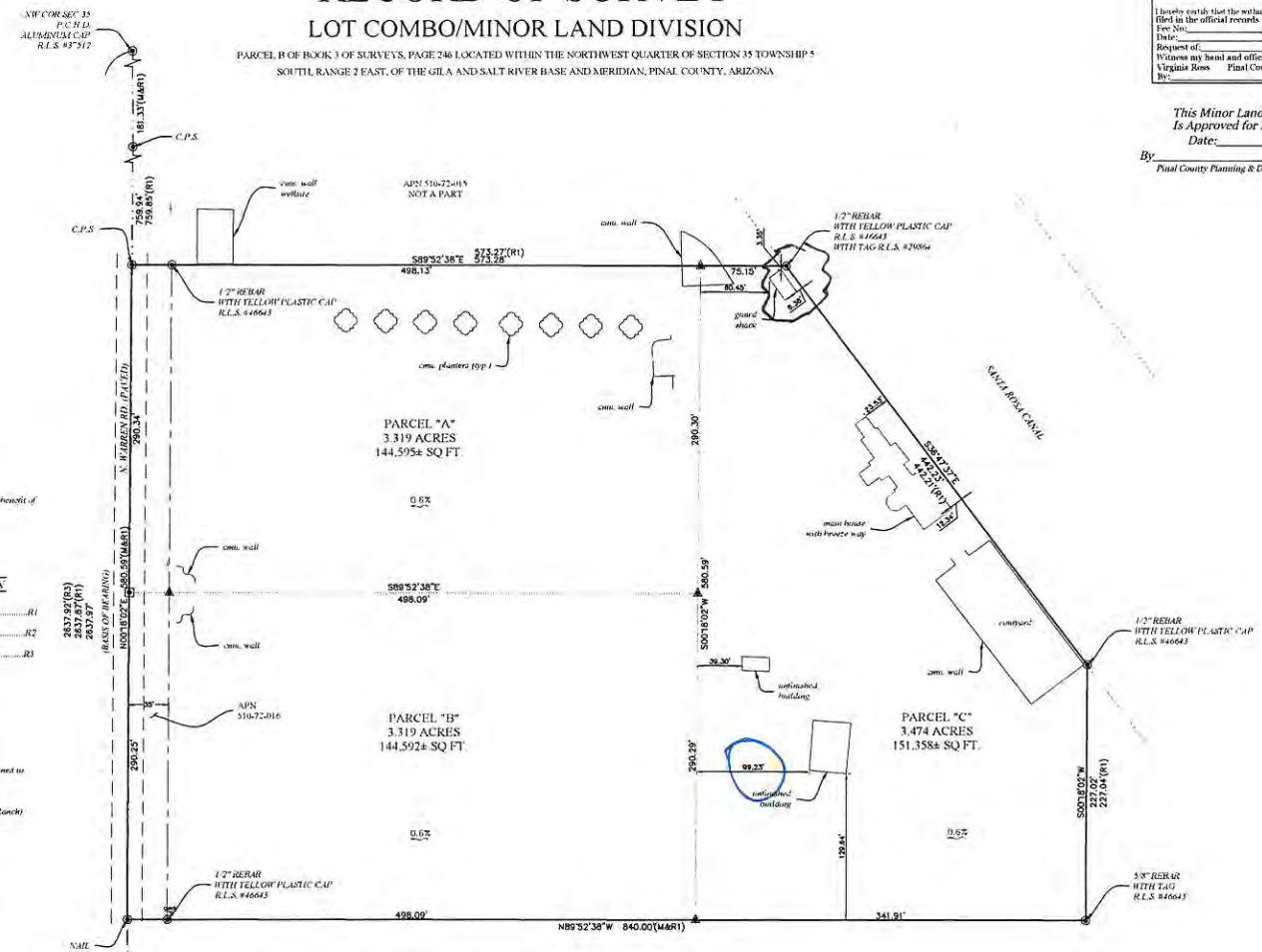
PARCEL B OF BOOK 3 OF SURVEYS, PAGE 246 LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 35 TOWNSHIP 5 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA

STATE OF ARIZONA }
COUNTY OF PINAL } SS

I hereby certify that the within instrument is filed in the official records of this County in
Fee No:
Date:
Request of:
Witness my hand and official seal.
Virginia Ross Pinal County Recorder
By: Deputy

This Minor Land Division Is Approved for Recording
Date:
By:
Pinal County Planning & Development Services





LEGEND

- Found monument as noted
- Set 5/8" rebar with tag #49864 or noted otherwise
- Calculated position
- Section line
- Easement line
- Edge of paved road
- Utility pole
- Gas marker
- P.C.R. = Pinal County Recorders
- G.L.O. = General Land Office
- R.L.S. = Registered Land Surveyor
- P.C.H.D. = Pinal County Highway Department
- C.P.S. = Cotton Picker Spindle
- COR = Corner

SURVEYOR'S NOTES

1. This survey was done without the benefit of a title report.

RESEARCH INFORMATION

P.C.R., BK. 3 OF SURVEYS, PG. 246.....R1
P.C.R., BK. 5 OF SURVEYS, PG. 278.....R2
P.C.R., BK. 23 OF SURVEYS, PG. 154.....R3

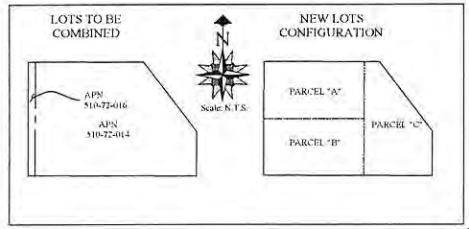
SITE INFORMATION

Fema Flood Zone "X" (Area determined to be outside the 0.2% annual chance floodplain).

County Zone Area: "SR" (Suburban Ranch)

OWNER OF RECORD

Azad Advisors Consulting, LLC
2929 N. Power Rd
Suite 101
Mesa, AZ 85215



SURVEY CERTIFICATE

THIS IS TO CERTIFY THAT THE SURVEY AND/OR SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF _____ OF 20____; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Registered Land Surveyor
CERTIFICATE NO.
49864
JEREMY D. DALMACIO
ARIZONA U.S.A.
Expires 6/30/2020

MLD #

02 SURVEYING
9809 E. Bailey Rd.
Florence, Az. 85132
(480)721-1368
02SURVEYING.COM

another set in the books by

JEFF GLOVER

SITE MAP

Date: April 2016	County: Pinal	revision No.
Field work: BD KG	State: Arizona	project 16-020
Drafter: EL	REVIEW: BD	1 of 1

ORIGINAL MLD submittal
Staff Exhibit B "Site plan Set"

2 of 3

RECORD OF SURVEY

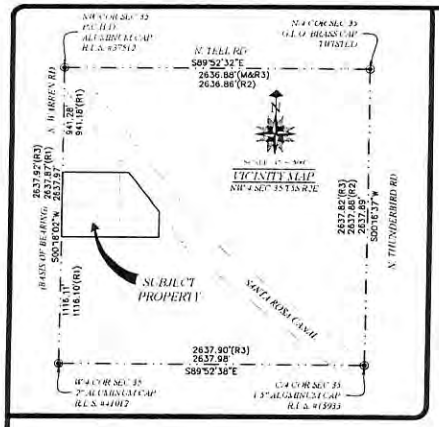
LOT COMBO/MINOR LAND DIVISION

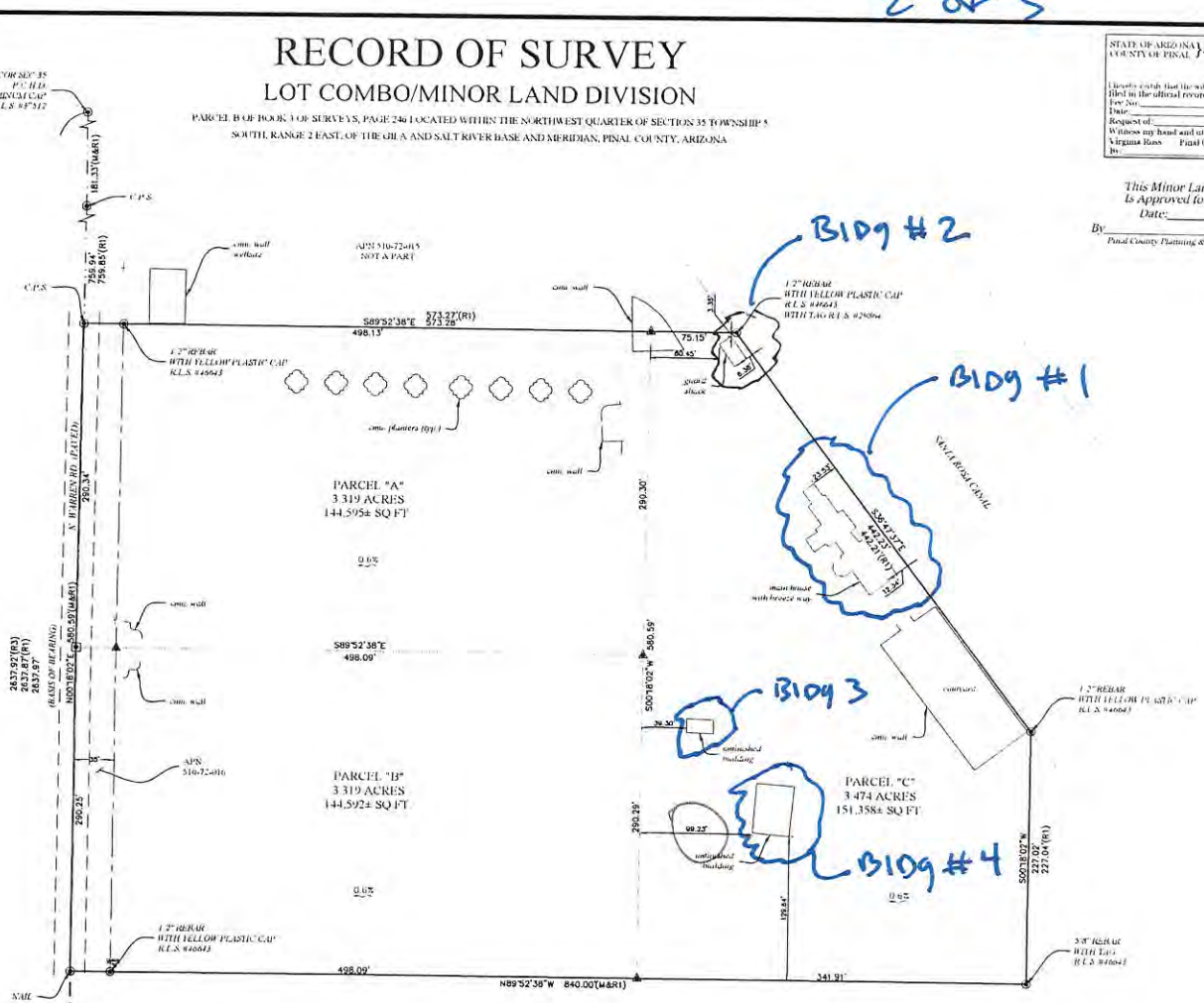
PARCEL B OF BOOK 3 OF SURVEYS, PAGE 246 LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 35 TOWNSHIP 5 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA

STATE OF ARIZONA } SS
COUNTY OF PINAL }

I hereby certify that the within instrument is filed in the official records of this County in:
Fee No.:
Date:
Request of:
Witness my hand and official seal.
Virginia Ross Pinal County Recorder
By: Deputy

This Minor Land Division Is Approved for Recording
Date:
By:
Pinal County Planning & Development Services





LEGEND

- Found monument as noted
- Set 5/8" rebar with tag #49864 as noted otherwise
- Calculated position
- Section line
- Easement line
- Edge of paved road
- Utility pole
- Gas marker
- P.C.R. — Pinal County Recorders
- G.L.O. — General Land Office
- R.L.S. — Registered Land Surveyor
- P.C.D.O. — Pinal County Highway Department
- C.P.S. — Cotton Picker Spindle
- COR — Corner

SURVEYOR'S NOTES

1. This survey was done without the benefit of a title report.

RESEARCH INFORMATION

P.C.R., BK. 3 OF SURVEYS, PG. 246 ..... R1
P.C.R., BK. 5 OF SURVEYS, PG. 278 ..... R2
P.C.R., BK. 23 OF SURVEYS, PG. 151 ..... R3

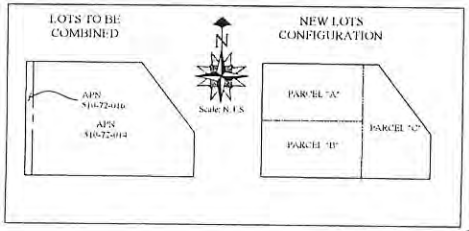
SITE INFORMATION

Flood Hazard Zone "X" (Area determined to be outside the 0.2% annual chance floodplain).

County Zoning zone: "GR" (Industrial Ranch)

OWNER OF RECORD

Jared Johnson Consulting LLC
2929 N. Power Rd
Suite 101
Mesa, AZ 85215



SURVEY CERTIFICATE

THIS IS TO CERTIFY THAT THE SURVEY AND OR SUBDIVISION OF THE PREMISES AS SHOWN AND PLATTED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF _____ OF 20____, THAT THE SURVEY IS TRUE AND ACCURATE AS SHOWN, THAT MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THE PARTITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

STATE OF ARIZONA
CERTIFICATE NO.
49864
JEREMY R. DALMADO
Expires 6/30/20

112 SURVEYING
9609 E. Bailey Rd
Edmond, OK 73012
(405) 224-1368
(928) 812-1363 (Cell)

Number not in the book by

MD #

JEFF GLOVER

SITE MAP

Date: April 2016	County: Pinal	Job/Work No:
Field Work: BH/JG	State: Arizona	Project Inv#70
Drafter: EL	REVISION: RED	1 of 1

RECORD OF SURVEY

LOT COMBO/MINOR LAND DIVISION

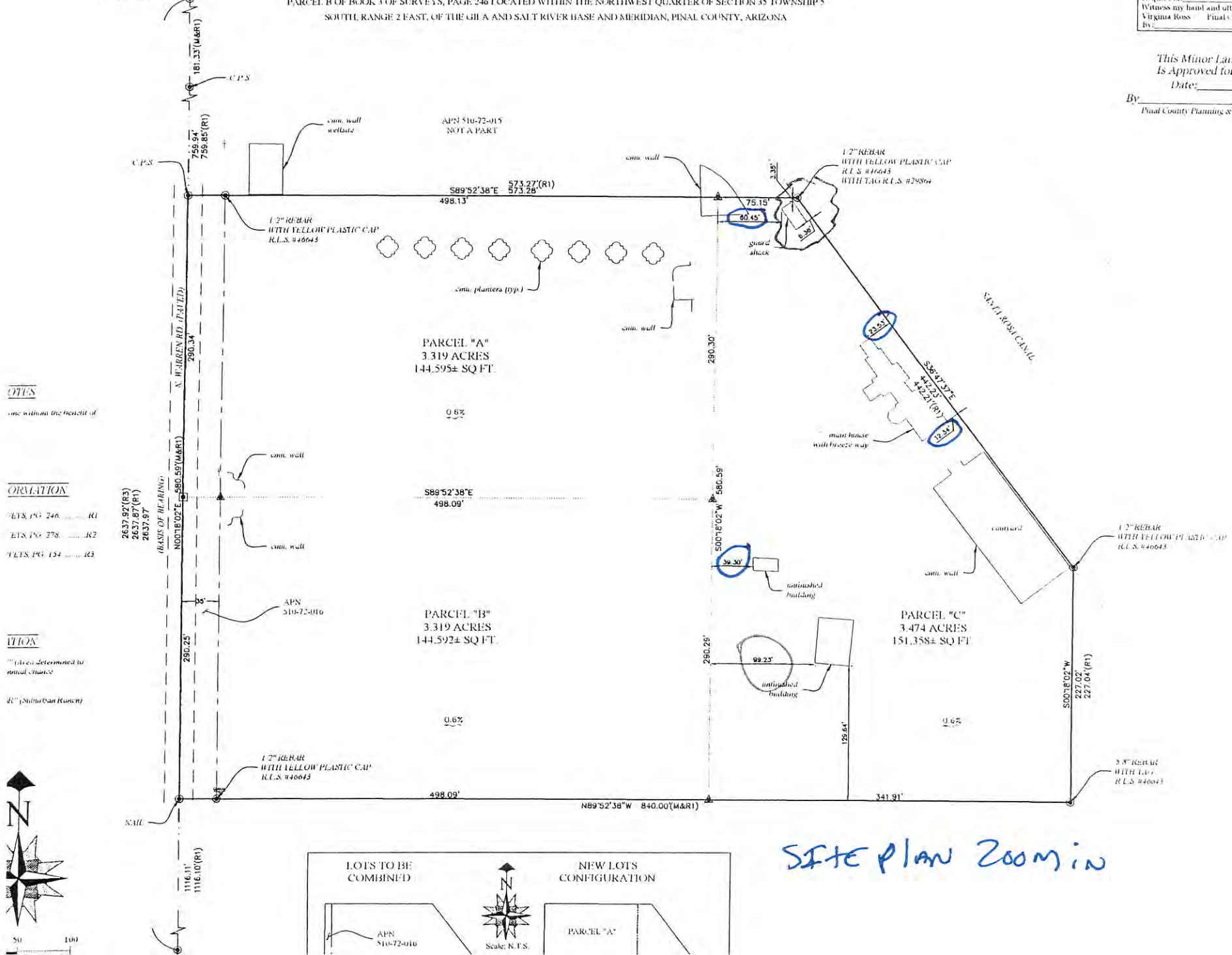
PARCEL B OF BOOK 3 OF SURVEYS, PAGE 246 LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 35 TOWNSHIP 5 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA

3 of 3

COUNTY OF PINAL }ss

I hereby certify that the within instrument is filed in the official records of this County in
Fee No.:
Date:
Request of:
Witness my hand and official seal.
Virginia Ross Pinal County Recorder
By: Deputy

This Minor Land Division
Is Approved for Recording
Date:
By
Pinal County Planning & Development Services



SITE PLAN ZOOM IN

Staff's Exhibit "A"

June 23rd

Total Fee Assessed:	$11,447.05
Total Fee Invoiced:	$11,447.05
Balance:	$8,823.00
Job Value:	$1,011,642.20
Parcel No:	510720140

Contact Info:

Name	Organization Name	Contact Type	Relationship

Licensed Professionals Info:

Primary	License Number	License Type	Name	Bus
Yes	OWNER-BUILDER	OWNER-BUILDER		

File Date: 07/09/2007

Workflow Status:

Task	Assigned To	Status	Status Date
Plans Submitted		Approved	07/09/2007
Prelim Plan Review		Completed	07/31/2007
Plan Review		Approved	01/08/2008
Fee Verification		Calc Plan Ch...	01/08/2008
Air Health Zoning Review		Approved	01/08/2008
Permit Issued		Issued	01/15/2008
CofO		C of O ISSUED	12/11/2008
Closure		Closed	12/11/2008

Adhoc Task Status:

Task	Assigned To	Status	Status Date	A

Condition Status:

Name	Short Comments	Status	Apply Date
EH	C of O not to be issue...	Applied	01/14/2008

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status

Assigned To:

Failed Checklist Item:

Inspection Type	Checklist Name	Checklist Item

Passed Checklist Item:

Inspection Type	Checklist Name	Checklist Item

Page 1 of 5

Building Permit ID: PER07-04590

A notice was added to this record on 2008-01-14.
Condition: EH Severity: Notice
Total conditions: 1 (Notice: 1)

View notice

Menu **Help**

Description of Work: SINGLE FAMILY RESIDENCE

Application Status: CLOSED

Application Detail: Detail

Application Type: Building/OWNER-BUILDER/RES/RESIDENTIAL

Address: 8103 N WARREN RD, 0001 MARICOPA, AZ 852390000

Owner Name: ANDRIA M SHERIDAN

Owner Address: 8201 N WARREN RD, , , MARICOPA, AZ 85239

Application Name: ANDRIA SHERIDAN

Application Comments:

View ID	Comment	Date
DANIELL	APPLICATION PAST THE RETENTION PERIOD, NO LONGE...	08/13/2009
GUADALUPEM	LETTER SENT , NO RESPONSE, PLANS DESTROYED.	11/04/2008
KATHLEENB	fees assessed from zoning paperwork	07/19/2007

Custom Fields:

OWNERBUILDER
PART OF COUNTY
W
CLASS OF WORK
NEW
TYPE OF CONSTRUCTION
VB
OCCUPANCY CLASS
R-3
EXISTING USE
VACANT
EDITION OF BUILDING CODE
_
SETBACK-FRONT
330
SETBACK-REAR
330
SETBACK-RIGHT
496
BASEMENT
0
2ND FLOOR
5320
GARAGE
0
CARPORT/PORCHES
5919
TOTAL SQFT
19091
WASH/WATER COURSE ON PROPERTY
No
IF YES, DISTANCE FROM BLD SITE
_
UTILITY PROVIDER-SEWER
NO SELECTION
UTILITY PROVIDER-GAS
SWG
SPECIAL USE PERMIT#
_
TEMPORARY USE PERMIT #
_
CUBIC YARDS FILL OR CUT
_
TOTAL YARDS MOVED
_
WATER CHANNEL ALTERED
No
ASR NAME
MBG
AUTOMATIC SPRINKLER
No
OUTDOOR LIGHT FIXTURES
EXPIRATION DATE
07/13/2008
 # OF BEDS
0
 # OF BEDROOMS
7
FINAL PLAT APPLICATION
_
ELEVATION CERTIFICATE REQUIRED
ELEVATION CERTIFICATE RECEIVED
_
FLOOD PLAN CERTIFICATE RECEIVED
_
INCORPORATED
U
EH SEPTIC FINAL APPROVAL

2 of 5

Building Permit ID: PER07-04590

A notice was added to this record on 2008-01-14.
Condition: EH Severity: Notice
Total conditions: 1 (Notice: 1)

View notice

Menu **Help**

1 2 3

Task	Status Date	Action By	Record Date/Time	Status
Closure	12/11/2008	JANICE VILLAVERDE	12/11/2008 13:52:49	Closed
CofO	12/11/2008	JANICE VILLAVERDE	12/11/2008 13:52:21	C of O ISSUED
Permit Issued	01/15/2008	Tabitha Villaverde	06/23/2008 12:47:27	Issued
Air Health Zoning Review	01/08/2008	Terrilyn Klucar	01/08/2008 15:42:23	Approved
Air Health Zoning Review	01/08/2008	Tiersa Johnson	01/08/2008 13:29:20	Not Approved

1 2 3

3 of 5

Building Permit ID: PER07-04590

A notice was added to this record on 2008-01-14.
Condition: EH Severity: Notice
Total conditions: 1 (Notice: 1)

View notice

Pay Apply Refund Void Generate Receipt Fund Transfer Help

Total Invoice Amount:	$11,447.05	**Terminal #:**	
Total Payment:	$2,624.05	**Cashier ID:**	TONYG
Total Balance:	$8,823.00	**Date:**	05/04/2016
Amount Not Applied:	$0.00		

Invoices

Invoice #	Amount	Paid in Full	Balance
336931	$2,624.05	Y	$0.00
337453	$8,823.00	N	$8,823.00
363932	$4,037.00	Y	$0.00
380213	($4,037.00)		$0.00

Transactions

Transaction Code	Transactions	Method	Receipt #	Not Applied	Amount
	Payment	Check	316624	$0.00	$2,624.05

4 of 5

Building Permit ID: PER07-04590

A notice was added to this record on 2008-01-14.
Condition: EH Severity: Notice
Total conditions: 1 (Notice: 1)

View notice

Cancel **Help**

Task Permit Issued	**Due Date** 01/08/2008	**Assigned Date** 01/08/2008
Assigned to Department COUNTER	**Assigned to**	**Status** Issued
Action by Department COUNTER	**Action By** Tabitha Villaverde	**Status Date** 01/15/2008
Start Time	**End Time**	**Hours Spent** 0.0
Billable Yes	**Overtime** Yes	**Comments** 6/23/08 BOTH COPIES OF PLANS IN FLORENCE OFFICE, ON SHELF IN FRONT (EXPIRED PLANS)...TV ISSUED PERMIT. CALLED AND LEFT MESSAGE FOR ANDRIA SHERIDAN AT 480-649-1471. PER APPLICATION, INDICATES THAT WANTS TO PICK UP IN CG OFFICE. SENDING PERMIT TO CG OFFICE FOR PICK UP. ADVISED OF PERMIT NUMBER AND BALANCE OWING OF $12860.00.....TJ CALLED SAME # ON 1/16/2008...PLAN NOT SENT TO THE CG OFFICE..LEFT MSG ADVISING PLAN WILL BE AVAILABLE IN THE FL OFFICE....PLAN STILL IN THE CG BIN...WB
Time Tracking Start Date	**Est. Completion Date**	**In Possession Time (hrs)**
Display E-mail Address in ACA No	**Display Comment in ACA**	**Comment Display in ACA** All ACA Users Record Creator Licensed Professional Contact Owner
Estimated Hours 0.0	**Action**	**Workflow Calendar**

5 of 5

11 510-72-011H

"SANTA ROSA CANAL"

Beg 1392.40' W of SE cr of Sec 35-5S-2E th cont W-170.8' th N-24° W-1572.50' th S-65° W-45' th N-24° W-948.37' th N-37° W-367.02' th N-49° W-1721.04' th N-36° W-1775.62' th N-181.33' th E-144.65' th S-36° E-1705.89' th S-43° E-203.55' th S-49° E-1830.94' th S-24° E-1185.70' th S-65° W-25' th S-24° E-1644.24' to P O B Sec 35-5S-2E (X)
27.66 ac

USA

4/09/86
1352/973-991

RURAL PROPERTY RECORD CARD

AREA CODE		
2007 T		
SPECIAL DISTRICT		
BASIS	CODE	UNITS

86 Split SEE ALPHA CARD (fr 510-72-005A B;006B;008 &009)

ANNUAL ASSESSMENT

Year	Change	Land $	Improvements $	Total $
19 86		20994		20994
19 LP	V .90304	18958		
19 89	LV	34575		
19 92	LV	26249		
19 93	RV	19639		
19				
19				
19				
19				

SUMMARY OF VALUES

Property	Class	Appraised Value	%	Assessed Value
Land	9400	$ ~~20994~~		
		$ 34575		$
Buildings and Improvements		$		$
Household Furnishings		$		$
TOTAL VALUE		$		$

RURAL LAND VALUE CALCULATIONS

Land Class	Acres	Unit Value	Total Value
	~~27.66AC~~	~~759~~	~~20994~~
ac	~~27.66~~	~~1250~~	~~34575~~
ac	27.66	949	26249
ac	27.66	710	19639
Roads and Ditches			
Total			

level

WATER Description:	
Ditch	
Reservoir	
Pump	

LOCATION OF IMPS.

N
W E
S

DATE OF APPRAISAL
MEASURED BY
LISTED BY
PRICED BY
REVIEWED BY DATE
POSTED BY DATE

REMARKS

5-29-86 [illegible]
6/3/86 Land value - ML
JUN 04 [illegible]
6/28/88 LV Update - CR
4-3-91 LV update - ML
6/28/94 [illegible] update [illegible]

210-027-0779

CLASSIFICATION NO.

STORIES	ROOMS	NO. APTS.

Type & Use		Construction		Quality of Construction	
	Single Dwlg.		Frame	Grade	
	Two Fam. Dwlg.		Solid Masonry	4	Excellent
	Three Fam. Dwlg.		Block	3	Good
	Four Fam. Dwlg.		Brick Veneer	2	Fair
			Prefab.	1	Minimum

Grade	4	3	2	1
FOUNDATION				
Concrete				
Cemt. Blk.				
Stone				
Brick				
Piers				
None				
EXTERIOR WALLS				
A. Fr.Wd. or Comp. Siding				
B. Fr. Brk. Veneer				
C. Blk. 8" Painted				
D. Blk. 8" Stucco				
E. Brk. & Blk. or Brk				
F. Native Stone				
G. Slump Block				
H. Adobe				
Insul. Walls				
Other				
ROOF				
Flat				
Shed				
Gable				
Hip				
Gambrel				
Other				

Grade	4	3	2	1
ROOFING				
Wood Shingles				
Asphalt Shingles				
Asbestos Shingles				
Built Up T. & G.				
Tile				
Slate				
Metal				
Prepared Roll				
Insul. Ceiling				
Other				
FLOORS				
Wd. Joist				
Sub. Floor				
Softwood Flrng.				
Hardwood Flrng.				
Concrete				
Resilient Flrng.				
Carpet				
BATH FLOORS				
Ceramic Tile				
Resilient Tile				
Linoleum				

Grade	4	3	2	1
INTERIOR FINISH				
Unfinished				
Plastered				
Drywall				
Wallboard				
Plywood Plain				
Plywood Detailed				
Hardwood Panel				
Knotty Pine				
BATH WALLS				
Metal Tile				
Plastic Tile				
Ceramic Tile				
Plastered				
Drywall				
HEATING & COOLING				
Hot Air Grav.				
Hot Air Forced				
Steam				
Hot Water				
Radiant				
Floor Furn.				
Wall Furn.				
Elec. Panel				
Refrigeration				
Evap. Cooler				
Fireplace				
O. S. Chimney				
PLUMBING				
Base				
2 Fix. Bath				
3 Fix. Bath				
Water Closet				
Lavatory				
Tub				
Shower Stall				
Kit. Sink				
Lndry. Tubs				
Hot Water Htr.				
Disposal				

Grade	4	3	2	1
ELECTRICAL				
Wiring				
Fixtures				
BASEMENT				
None				
Full Unfinished				
Part: Unfinished				
Area:			Sq. Ft.	
Part: Finished				
Area:			Sq. Ft.	
Concrete Floor			Sq. Ft.	
Other			Sq. Ft.	
GRADE RATE				
Description:				
ATTIC				
Unfinished				
Finished				
Area:			Sq. Ft.	
GRADE RATE				
Description:				
PORCHES				
Number: Open				
Number: Closed				
Frame				
Masonry				
Terraces				
Patio				
PHYSICAL CONDITION				
4	3	2	1	
Other Items				

GROUND PLAN SKETCH
(INDICATE NUMBER STORIES)

FRONT

DATE OF CONSTRUCTION

Date _____

Age _____

Source _____

DEPRECIATION AND OBSOLESCENCE

Age (Normal Depreciation)	____%
Physical Condition	____%
Modernization (Minus)	____%
Total Depreciation	____%
Net Condition	____%

SPECIAL OBSOLESCENCE

Location (Area No. ____)	____%
Other	____%
Total Special Obsolescence	____%
Final Net Condition	____%

SPECIAL NOTES:

REPLACEMENT COST AND FINAL VALUE

ITEM NO.	AREA OR QUANTITY	UNIT COST	TOTAL
BASE			

REPLACEMENT COST	$
FINAL NET CONDITION	%
FINAL VALUE MAIN BUILDING	$
OTHER	$
OTHER IMPROVEMENTS	$
TOTAL BUILDINGS AND IMPROVEMENTS	$

OTHER

CLASS	Grade	Walls	Floor	Roof	Dimensions	Area Sq. Ft.	Replace Value	Dep.	Value
					x x				
					x x				
					x x				
					x x				
					x x				
					x x				
					Total		$		

Form 101-3

86 Split to 510-72-005-C D E F; 006E & F; 008A;009A & B & 011
(Fr 510-72-005-A & B; 006B; 008 & 009)

4/09/86	Prt to USA Santa Rosa Canal CIV86 -0531 PHX PGR
1352/973	Declaration of Taking
4/09/86	Prt to USA Santa Rosa Canal CIV86 -0534 PHX PGR
1352/991	Declaration of Taking
4/09/86	Prt to USA Santa Rosa Canal CIV86 -0536 PHX PGR
1353/28	Declaration of Taking

(Exerpts From):

Chapter 2.20
SR SUBURBAN RANCH ZONE

Sections:

2.20.010 Uses permitted.

2.20.020 Site development standards.

2.20.030 Detached accessory buildings.

2.20.010 Uses permitted. SHARE

A. One-family dwelling unit, conventional construction, manufactured home, or mobile home.

B. Commercial Agricultural Uses.

1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries.

2. The raising and marketing of poultry, rabbits and small animals, but no slaughtering of other than such raised on the premises.

3. The grazing and raising of livestock, except that not more than one hog, weighing more than 50 pounds, may be kept per commercial acre.

C. Guest ranch, in accordance with Chapter 2.115 PCDSC, Guest Ranch Regulations.

D. Public park, public or parochial school.

E. Church, providing the minimum off-street parking requirements, as set forth in Chapter 2.140 PCDSC, are met.

F. Professional or semi-professional office or studio, home occupation, and the employment of persons not residing on the premises.

G. Accessory building or use.

H. A stand not more than 200 square feet in area for the sale of farm products grown or produced on the premises provided the stand is no closer than 10 feet to any street lot line and no closer than 20 feet to any other lot line.

I. Airport, airstrip or landing field; provided, that the runway shall be no closer than 600 feet from any boundary of a site of not less than 160 acres; and provided further, that the applicant for a permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 1,320 feet of the required 160-acre site for which the permit is sought.

J. College, community service agency, governmental structure, library, museum, playground or athletic field, private school; provided, that the use shall be located on a site of not less than 10 acres, that the improvements shall occupy not more than 30 percent of the site, that no playground or athletic field be located closer than 100 feet to any property line, and that all roads and parking areas be surfaced with a material which will minimize the creation of dust.

K. Commercial riding stable or riding school; provided, that the use shall be located on a site of not less than 20 acres; and provided, that all stables, barns, animal sheds, or shelters shall be no less than 100 feet from any property line. There shall be no feeding or disposal of garbage, rubbish or offal unless a permit is issued by the Pinal County health department. The permit shall be for a stipulated period not to exceed three years; and provided further, that the applicant for the permit shall provide the zoning inspector the written consent of no less than 51 percent of the owners, by number and area, of property within 300 feet of the area for which the permit is sought.

L. Hospital, clinic, dispensary or sanatorium; provided, that the building site is not less than four commercial acres, that any buildings occupy not more than 30 percent of the building site, and are located at least 50 feet from any boundary line of the site, and that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 300 feet of the building site.

M. Private, athletic, sport or recreation club, or lodge; provided, that the building site contains not less than 10 acres, that no building be erected closer than 100 feet to any boundary of the site, that all outdoor lighting be controlled so as not to reflect on any area beyond the boundary of the site, that no amplifiers or loudspeakers of any kind be installed outside any buildings erected on the site; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 300 feet of the building site.

N. Racetrack or sports stadium; provided, that any racetrack conducted for profit must be licensed by the State Racing Commission; that any incidental uses in connection with the racetrack or sports stadium not otherwise permitted in the zone where located shall be first approved by the board of adjustment as a use incidental to and commonly associated with a racetrack; that a permit may be issued for a practice racetrack, if operated by the owner of the site, and not conducted for profit or charging admission to spectators; that no portion of any track, stables or grandstand authorized by this subsection shall be within 200 feet of any boundary of its site adjoining any property in a rural or residential zone; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 500 feet of the boundary of the site for which the permit is sought.

O. Resort hotel, provided the site contains not less than 10 acres, that the buildings occupy no more than 30 percent of the area of the building site; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 51 percent of the owners, by number and area, of property within 300 feet of the building site for which permit is sought.

P. Veterinary hospital or kennels, provided the site is not less than five acres in area, that no building or structure be within 100 feet of any boundary of the site abutting property in a rural or residential zone; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of at least 75 percent of the owners, by number and area, of property within 300 feet of the building site for which the permit is sought.

Q. Golf course, other than miniature, in private ownership, but open to the public; provided, that the use be located on a site of not less than 30 acres; that no building be located nearer than 200 feet to any boundary of the site; that the course shall have not less than nine holes; that no hole shall be less than 75 yards from its tee; that no tee or cup be located closer than 100 feet to any boundary of the site; that any driving range shall be placed so that flying balls will be directed toward the interior of the site; that all outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from any adjoining residential zone beyond the boundary of the site; that no amplifiers or loudspeakers of any kind be installed other than within a completely enclosed building on the site; that off-street parking be provided for not less than 100 vehicles for each nine holes of the course; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners by number and area, of all property within 300 feet of the boundary of the site for which the permit is sought.

R. Cemetery or crematory, provided a site of not less than one acre be provided for a pet cemetery and not less than five acres for a human cemetery; that no crematory be erected closer than 500 feet from any boundary of the site which adjoins property in a rural or residential zone; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 300 feet of the site for which the permit is sought.

S. Radio or television tower or station; provided, that any tower be no closer to any boundary of the site than the height thereof, and that any station occupy no more than 30 percent of the site, and be located at least 50 feet from any boundary line of the site.

T. Motion picture studio; provided, that the site is not less than 40 acres in area, that no building or structure is within 100 feet of the boundary of the site, that permanent buildings and structures occupy in total not more than 50 percent of the area of the required minimum site, that all outdoor lighting is controlled so as not to reflect on any adjoining property in residential use; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 1,000 feet of the site.

U. Bar or cocktail lounge as an accessory use to a private athletic, sport or recreation club, or lodge (subsection N of this section); racetrack or sports stadium (subsection O of this section); resort hotel (subsection Q of this section); golf course club house (subsection S of this section). [Ord. 61862 § 601].

2.20.020 Site development standards. SHARE

A. Building height: maximum height of any structure shall be 30 feet.

B. Minimum lot area: 144,000 square feet (3.30 acres).

C. Minimum lot width: none.

D. Minimum area per dwelling unit: 144,000 square feet (3.30 acres).

E. Minimum front yard: 50 feet.

F. Minimum side yards: 10 feet each.

G. Minimum rear yard: 50 feet. [Ord. 61862 §§ 603 – 609].

2.20.030 Detached accessory buildings. SHARE

A. Permitted coverage: one-third of the total area of the rear and side yards.

B. Maximum height: 20 feet.

C. Minimum distance to main building: seven feet.

D. Minimum distance to front lot line: 100 feet.

E. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 100 feet if building is used for poultry or animals.

F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock. [Ord. 61862 § 610].

PINAL • COUNTY
wide open opportunity

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications **Must** Be Typed or Written in Ink)

1. The legal description of the property: ALL THAT PORTION OF W-840 OF NW SEC 35-5S-2E LYING S & W OF SANTA ROSA CANAL EXC THE S-1116.1 & THE N-699.85 & THE W-35 THEREOF 10.357 AC

2. Tax Assessor Parcel No.: 510-72-0140

3. Current zoning: SR Requested zoning (if applicable) _____

4. The size (to the nearest 1/10th of an acre): 10.36 Acres

5. The existing use of the property is as follows: Single Family Residence

6. The proposed use under this request & Section of Code you are requesting a variance: 2.20.020.G 2.20.030.D 2.20.030.E _____

7. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # _____

8. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the present zoning was adopted.

None Known

RECEIPT #: AMT: 500.00 DATE: CASE: BA-002-16

The Pinal County Board of Adjustment is authorized to grant a variance of regulations where it finds that absolute conformance to the regulations in an established zone would present an unnecessary hardship on the applicant. The "Hardship" must be related to the physical aspects of the land and not a personal or self-imposed hardship. The applicant must present evidence to prove: (use additional pages if necessary)

9. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area.

A single family home was built within the setback boundary by the previous property owner, who is now deceased. We purchased the property from the deceased person's daughter, thus inheriting the setback issue. We simply want to make things right and improve the property.

10. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.

Our planned improvements to this parcel will improve the appearance, usability and value of the parcel. Without obtaining the variance, these improvements will be unobtainable.

11. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Granting our request for this variance will have no affect on the health or safety of persons residing or working in the area. In addition, it will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

12. That the variance will not allow a use that is not permitted in the zoning district where the property is located.

Other than the setback issue, the use of the parcel will be within the zoning district regulations.

13. That the special circumstances or conditions referred to item 9 above are not self-imposed.

The conditions were not self-imposed. The previous property owner built a single family home within the setback boundary. The previous property owner is deceased, and we purchased the property from his daughter.

14. The applicant shall present evidence of the ability and intention to proceed with actual construction work in accordance with the plans shown within nine (9) months after issuance of a variance.

THIS APPLICATION MUST BE SUBMITTED IN PERSON

I CERTIFY THAT I HAVE SUBMITTED ALL OF THE REQUIRED INFORMATION LISTED ABOVE, AND THAT THE INFORMATION IS FACTUAL. I ALSO UNDERSTAND IF THE APPLICATION IS INCOMPLETE UPON SUBMISSION, IT CANNOT BE FURTHER PROCESSED AND MAY BE DELAYED UNTIL A FUTURE HEARING DATE.

NAME OF APPLICANT	ADDRESS	PHONE #
Jeff Glover	2929 N POWER RD STE 101, MESA, AZ 85215	480-331-1088

If the applicant is not the landowner, a notarized letter authoring the applicant to represent the owner must accompany this application.

NAME OF LANDOWNER	ADDRESS	PHONE #
ASSET ADVISORS CONSULTING, LLC	2929 N POWER RD STE 101, MESA, AZ 85215	480-331-1088

ALL NOTICES WILL BE MAILED TO THE APPLICANT UNLESS OTHERWISE NOTED:

NAME AND ADDRESS OF PERSON TO BE NOTIFIED.	PHONE #
Jeff Glover 2929 N POWER RD STE 101, MESA, AZ 85215	480-331-1088

SIGNATURE OF APPLICANT — DATE 4/15/2016

SIGNATURE OF APPLICANT — DATE

PROPERTY OWNERSHIP LIST
(REQUIRED FOR FILING ALL APPLICATIONS)
(IF ADDITIONAL COPIES OF THIS FORM ARE NEEDED, PLEASE PHOTOCOPY)

INSTRUCTIONS:

PRINT NAME, ADDRESS, CITY, STATE, ZIP CODE AND TAX PARCEL NUMBER FOR EACH PROPERTY OWNER WITHIN 600 FEET OF THE SUBJECT PARCEL BOUNDARY.

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

I HEREBY VERIFY THAT THE NAME LIST ABOVE WAS OBTAINED ON THE 25 DAY OF APRIL, 2016, AT THE OFFICE OF Pinal County, AND IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE _____ DATE 4/25/16

ACKNOWLEDGED BEFORE ME BY JGM, ON THIS DAY OF April, 2016.

(SEAL)

EMMA M CORTEZ
Notary Public, State of Arizona
Pinal County
My Commission Expires
August 13, 2019

SIGNATURE OF NOTARY PUBLIC

VARIANCE SUBMITTAL CHECKLIST

THE FOLLOWING INFORMATION MUST BE SUBMITTED AS PART OF THIS APPLICATION FOR A VARIANCE OF ZONING REGULATIONS:

CHECK IF COMPLETE

✓ 1. Completed application for a Variance.

____2. Site Plan Prepared at a minimum scale of 1" = 100". If larger than 11' x 17" the applicant shall submit a legible, black line reduction of the site to 11" x 17" maximum. The minimum requirements for the site plan are outlined on page 3 of this application. In addition to the minimum requirement, the site plan shall include:

A) Location of unusual natural or topographic features of the site
B) Preliminary floor plans and elevations of all proposed buildings - via email

✓ 3. A name list, verified by the applicant, made within 30 days prior to this submission, of the names, mailing addresses and tax parcel number of all property owners within 600' of this parcel.

✓ 4. Non-refundable filing fee for a variance based on the following

A) Residential with 0-499 mail-outs ~~$2,084.00~~ 500.00 SA

B) Residential with 500 or more mail-outs: $2,430.00

C) Commercial, industrial or transition with 0-499 mail-outs: $2,084.00

D) Commercial, industrial or transition with 500 or more mail-outs: $2,399.00

✓ 5. Signed Variance Checklist

I CERTIFY THAT I HAVE SUBMITTED ALL OF THE REQUIRED INFORMATION LISTED ABOVE, AND I UNDERSTAND THAT THIS APPLICATION FOR A VARIANCE CANNOT BE PROCESSED UNTIL ALL REQUIRED INFORMATION IS SUBMITTED.

_____ 4/28/16

SIGNED BY: DATE:

_____ _____

SIGNED BY: DATE:

APN: 510-67-004B
RES-AZ ONE LLC
%: ATTN DORIS GALCZAK
700 NW 107TH AVE STE 200
MIAMI, FL 33172

APN: 510-72-003B
HALLENBECK CLIFFORD J
HALLENBECK PATRICIA S
4460 E DARTMOUTH ST
MESA, AZ 85205

APN: 510-72-005C
OGSBURY INVESTMENTS LLC
PO BOX 275
COTTAGE GROVE, OR 97424

APN: 510-72-005D
WARREN ROAD 187 LLC
3349 E QUEEN CREEK RD
GILBERT, AZ 85297

APN: 510-72-005E
ASSET ADVISORS CONSULTING LLC
2929 N POWER RD STE 101
MESA, AZ 85215

APN: 510-72-005R
MILLS MICHAEL & GREETA
52500 W LACEY TRL
MARICOPA, AZ 85139

APN: 510-72-005S
OWENS JUSTIN C
52644 W LACEY TRL
MARICOPA, AZ 85139

APN: 510-72-005V
DI CENZI ROBERT A JR & TRACY L
52503 W LACEY TRL
MARICOPA, AZ 85139

APN: 510-72-006F
MASON JIMMIE T & ALMUTH E
PO BOX 549
MARICOPA, AZ 85139

APN: 510-72-006H
GATTON SAMUEL & TERI
3755 E BROADWAY 89
MESA, AZ 85206

APN: 510-72-006K
POTILLO DAVID LEE
52397 W TEEL RD
MARICOPA, AZ 85139

APN: 510-72-006M
POTILLO DAVID LEE
52397 W TEEL RD
MARICOPA, AZ 85139

APN: 510-72-0110
USA SANTA ROSA CANAL
PO BOX 81169
PHOENIX, AZ 85069

APN: 510-72-0130
SMITH LYNDEN
SMITH TONIA
PO BOX 106 STN MAIN
BROOKS, AB T1R 1B2

APN: 510-72-0150
FALK RUTH MARIE TRUST
2519 E MEADOWBROOK AVE
PHOENIX, AZ 85016

APN: 510-72-0160
ASSET ADVISORS CONSULTING LLC
2929 N POWER RD STE 101
MESA, AZ 85215

APN: 510-72-0170
OWENS JUSTIN C
52644 W LACEY TR
MARICOPA, AZ 85139

APN: 510-72-0180
FALK ANDRIA M
2932 E CHEERY LYNN RD
PHOENIX, AZ 85016

APN: 510-72-0190
VOIGTS JOE
PO BOX 2188
MANSFIELD, TX 76063

APN: 510-72-0200
FALK ANDRIA M
2932 E CHEERY LYNN RD
PHOENIX, AZ 85016

State of Delaware

Limited Liability Company

Certificate of Formation

This certificate of formation is being executed for the purpose of forming a limited liability company pursuant to the Delaware Limited Liability Company Act, 6 Del C 18-101, et Seq.

FIRST: The name of the limited liability company is
Asset Advisors Consulting LLC

SECOND: The address of its registered office in the State of Delaware is 113 Barksdale Professional Center in the City of Newark, County of New Castle. Zip code, 19711. The name of its Registered Agent at such address is Delaware Intercorp, Inc.

THIRD: The members agree to be bound by the signed Limited Liability Company Agreements except as they may be contradicted by the Limited Liability Company Act of the State of Delaware.

IN WITNESS WHEREOF, I, the undersigned, being fully authorized to execute and file this document, for the purpose of forming a limited liability company pursuant to the Delaware Limited Liability Act, do make this Certificate of Formation, acknowledging under the penalties of perjury in the third degree, hereby declaring and certifying that this instrument is my act and deed and the facts herein are true, pursuant to 6 Del.C §18-204 and accordingly have hereunto set my hand this Friday, August 05, 2011.

Organizer: Delaware Intercorp, Inc. by
Kelly K. Magaw, Secretary

DELAWARE INTERCORP, INC.
A DELAWARE COMPANY

CONSENT TO APPOINTMENT
BY REGISTERED AGENT

Delaware Intercorp, Inc., having been named as Registered Agent for ASSET ADVISORS CONSULTING LLC, a Delaware limited liability company (the "Company"), does hereby voluntarily consent to serve as Registered Agent for the Company.

Delaware Intercorp, Inc. knows and understands the duties and responsibilities of a Registered Agent as set forth in Title 6 Del.C. §18-104 and does hereby accept those duties and responsibilities.

Dated: 8/8/2011

Delaware Intercorp, Inc., as
Registered Agent

By: _____
Name: Kelly K. Magaw
Title: Secretary

113 BARKSDALE PROFESSIONAL CENTER • NEWARK, DE • 19711
PHONE: 302.266.9367 • FAX: 302-266-9940 • EMAIL: INFO@DELAWAREINTERCORP.COM

DELAWARE INTERCORP, INC.
A DELAWARE COMPANY

STATEMENT OF ACTIONS TAKEN TO ORGANIZE ASSET ADVISORS CONSULTING LLC

FIRST: Delaware Intercorp, Inc., a Delaware corporation (the "Organizer"), directed the Secretary of State for the State of Delaware to register the name and certify the formation of ASSET ADVISORS CONSULTING LLC, Delaware limited liability company (the "Company").

SECOND: This meeting is intended to organize and perfect the Company. The Organizer now elects Jim Glover, as Initial Member(s) (the "Initial Member(s)") with full power to operate and bind the undertaking, until such time as successors are elected and qualify.

THIRD: The Organizer has been retained to act as the Registered Agent for the Company. The Organizer assumes no further liabilities other than those consistent with that relationship.

FOURTH: That from this day hence, the Organizer has fulfilled its obligations and relinquishes all further duties and authorities of the Company to the Initial Member(s), subject only to the right to correct errors of record with respect to the formation of the Company.

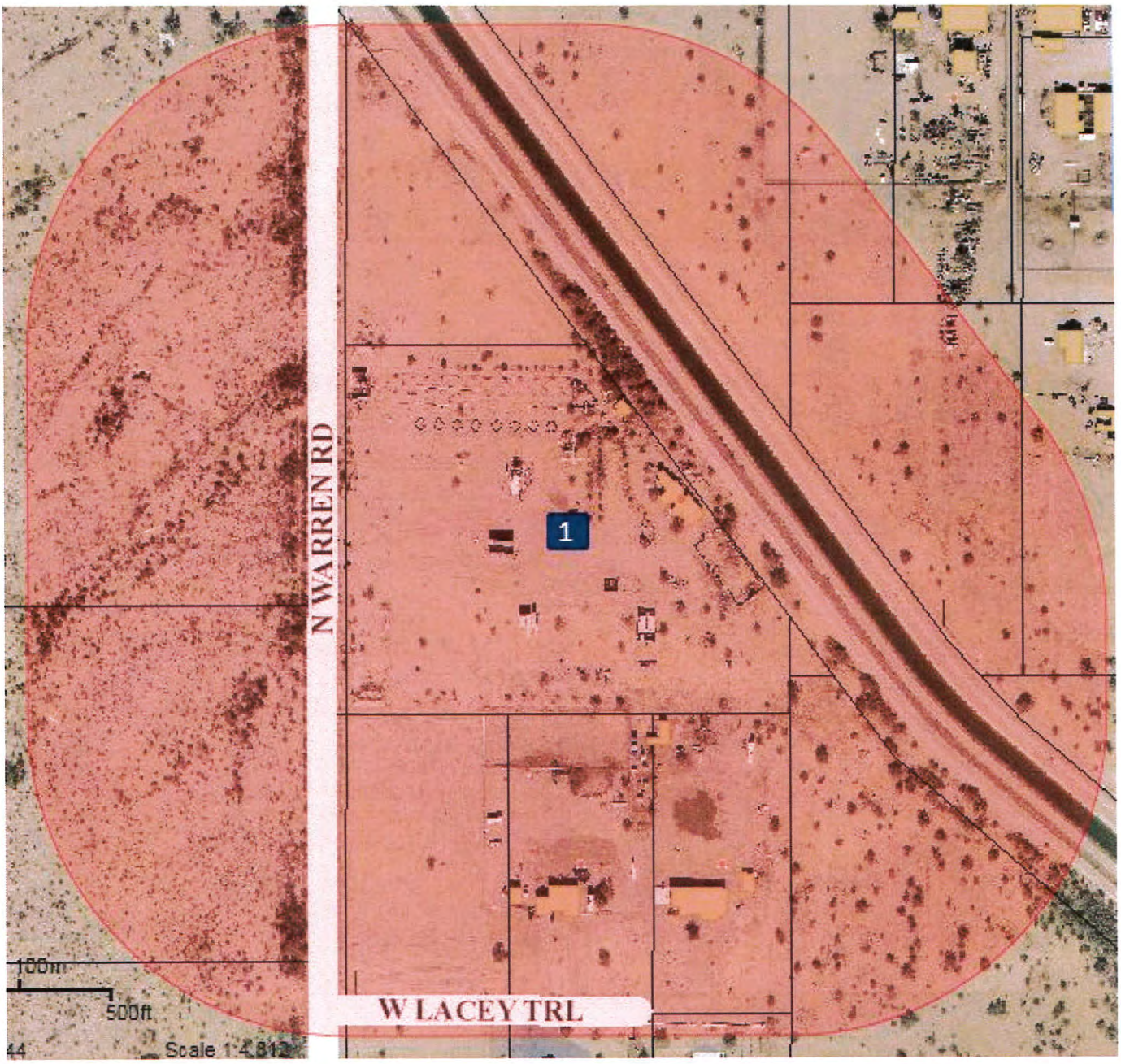
Signed and executed by the Organizer on this Monday, August 08, 2011.

Delaware Intercorp, Inc., as
Organizer

By: _____
Name: Kelly K. Magaw
Title: Secretary

113 BARKSDALE PROFESSIONAL CENTER • NEWARK, DE • 19711
PHONE: 302.266.9367 • FAX: 302-266-9940 • EMAIL: INFO@DELAWAREINTERCORP.COM

Map of Properties Within 600' of 8103 N Warren Rd, Maricopa, AZ 85139



Property Owners Within 600' of 8103 N Warren Rd, Maricopa, AZ 85139:

APN: 510-67-001A
HISEL WANDA
1583 S SIMCO RD
BOISE, ID 83716

APN: 510-67-004A
RES-AZ ONE LLC
%: ATTN DORIS GALCZAK
700 NW 107TH AVE STE 200
MIAMI, FL 33172

PINAL • COUNTY
wide open opportunity

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: June 23, 2016

CASE NUMBER: BA-003-16

CASE COORDINATOR: Steve Abraham, Planning Manager

Executive Summary:

This case is a variance request to reduce the minimum lot size of a GR zoned parcel. The parcel was platted in 1963 under the 1962 zoning ordinance which allowed lots as small as 12,000 square feet. The property was never developed residentially and according to our codes today the lot is non-conforming and currently un-buildable.

If This Request is approved:

This variance will allow the use of undersized GR zoned lot.

Staff Recommendation/Issues for Consideration/Concern:

Staff offers a recommendation of approval for the request with stipulations.

BA-003-16 – PUBLIC HEARING/ACTION: Joey Martinez requesting a variance to **Section 2.40.020.B** of the PCDSC, to allow a reduction in the minimum required lot area from 54450 square feet (1.25 acres) to 44,431 square feet (1.02 acres) to allow the placement of a single family residential dwelling; on a 1± acre parcel in the (GR) General Rural zone, described as Lot 78 of Toltec Estates West, Book 11 Page 43, P.C.R., Tax Parcel 408-03-079B (legal on file) (located at the south west comer of the intersection of Gun Fury Rd. and Montezuma Road in the Arizona City Area).

LEGAL DESCRIPTION: A 1± acre parcel in the (GR) General Rural zone, described as Lot 78 of Toltec Estates West, Book 11 Page 43, P.C.R. in the Arizona City area

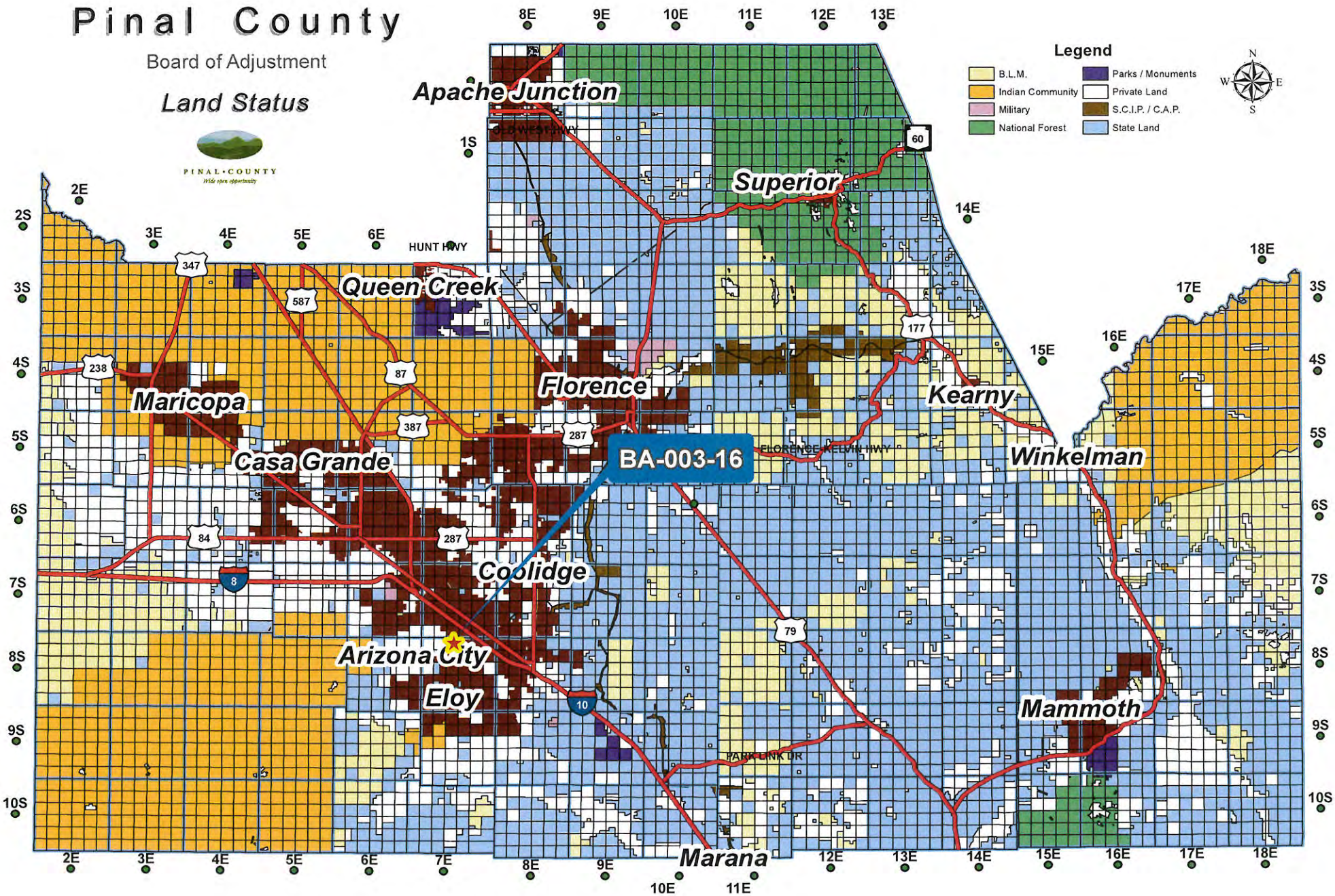
TAX PARCEL: 40803079B

LANDOWNER/APPLICANT: Joey Martinez

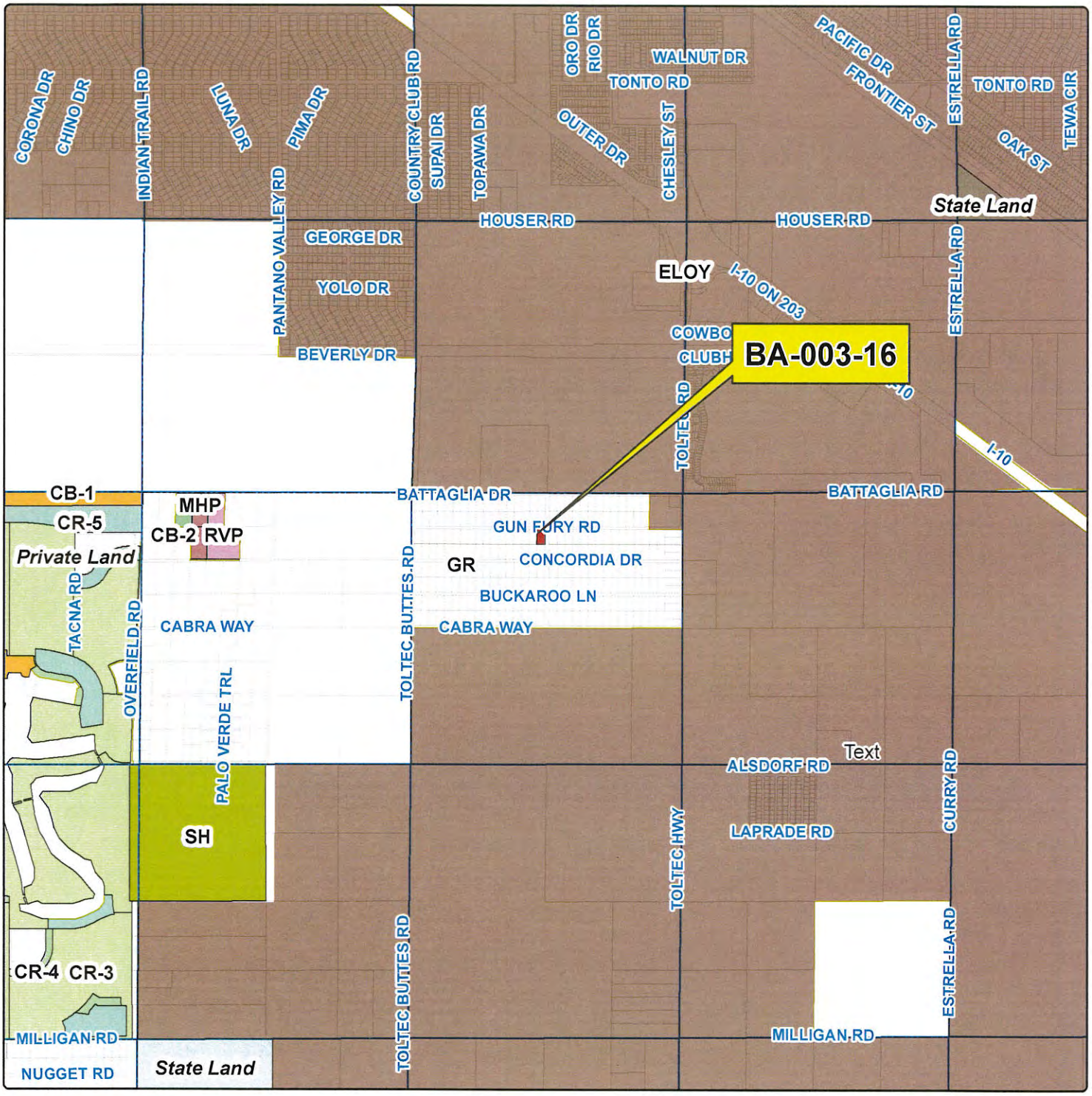
REQUESTED ACTION AND PURPOSE: requesting a variance to **Section 2.40.020.B** of the PCDSC, to allow a reduction in the minimum required lot area from 54450 square feet (1.25 acres) to 44,431 square feet (1.02 acres) to allow the placement of a single family residential dwelling; on a 1± acre parcel in the (GR) General Rural zone

LOCATION: The subject property is located at the south west comer of the intersection of Gun Fury Rd. and Montezuma Road in the Arizona City Area).

SIZE: 1± acre



Pinal County
Board of Adjustment
Land Status
PINAL•COUNTY
Wide open opportunity
Legend
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
N
S
E
W
Apache Junction
Superior
Queen Creek
Florence
Kearny
Maricopa
Casa Grande
Winkelman
Coolidge
Arizona City
Eloy
Mammoth
Marana
BA-003-16
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR
347
587
87
387
287
238
84
8
10
60
177
79
1S
2E
3E
4E
5E
6E
7E
8E
9E
10E
11E
12E
13E
14E
15E
16E
17E
18E
2S
3S
4S
5S
6S
7S
8S
9S
10S



Board of Adjustment

Community Development

PINAL • COUNTY

Wide open opportunity

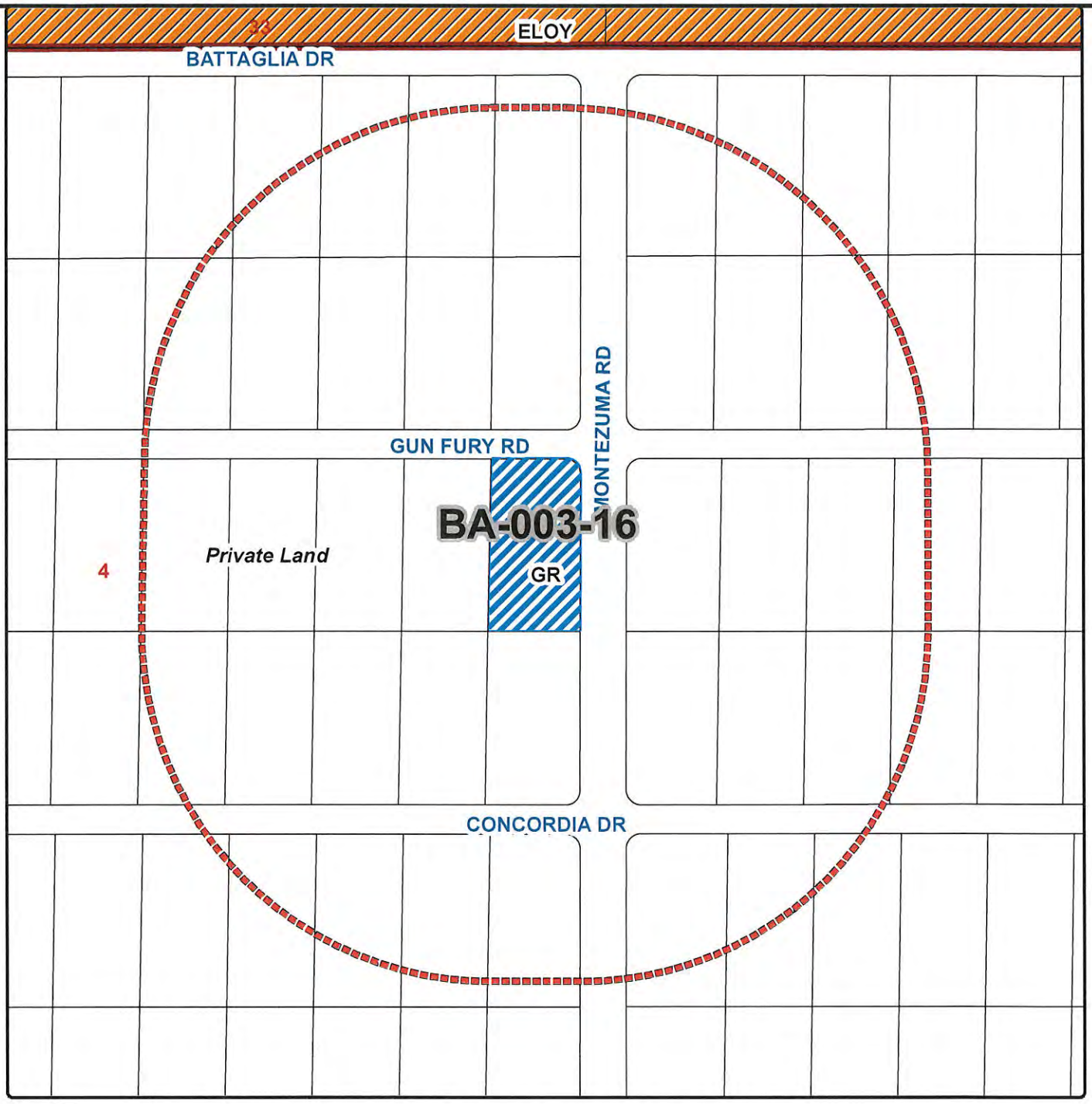
MARTINEZ JOEY

Legal Description:
Situated in a portion of the Section 04, T08S,R07E, G&SRB&M, 408-03-079B (legal on file) (located at the south west corner of the intersection of Gun Fury Rd. and Montezuma Road in the Arizona City Area).

T08S-R07E Sec 04

Sheet No. 1 of 1

MARTINEZ JOEY		
Drawn By: GIS / IT / LJT		Date: 05/25/2016
Sections 04	Township 08S	Range 07E
Case Number: BA-003-16		



Board of Adjustment

BA-003-16 – PUBLIC HEARING/ACTION: Joey Martinez requesting a variance to Section 2.40.020.B of the PCDSC, to allow a reduction in the minimum required lot area from 54450 square feet (1.25 acres) to 44,431 square feet (1.02 acres) to allow the placement of a single family residential dwelling; on a 1.2± acre parcel in the (GR) General Rural zone, described as Lot 78 of Toltec Estates West, Book 11 Page 43, P.C.R., Tax Parcel 408-03-079B (legal on file) (located at the south west comer of the intersection of Gun Fury Rd. and Montezuma Road in the Arizona City Area).

Current Zoning: GR
Request Zoning: Board of Adjustment
Current Land Use: MLDR

PINAL • COUNTY
Wide open opportunity

Legal Description:
Situated in a portion of Section 04, T08S R07E, G&SRB&M 408-03-079B (legal on file) (located at the south west comer of the intersection of Gun Fury Rd. and Montezuma Road in the Arizona City Area).

T08S-R07E Sec 04

Sheet No. 1 of 1

Owner/Applicant: MARTINEZ JOEY		
Drawn By: GIS / IT / LJT		Date: 05/25/2016
Sections 04	Township 08S	Range 07E
Case Number: BA-003-16		

Board of Adjustment

NORTH

PINAL • COUNTY
Wide open opportunity

BA-003-16

EXISTING ZONING AND LAND USE: GR (General rural), the property is currently vacant.

SURROUNDING ZONING AND LAND USE:

North: GR (General Rural Zone) – vacant
South: GR (General Rural Zone) – vacant
East: GR (General Rural Zone) – residential
West: GR (General Rural Zone) – residential

SITE DATA: Flood zone A, within the 100 and 500 year floodplain.

ANALYSIS: The subject property is located within the Moderate Low Density Residential Designation of the Pinal County Comprehensive Plan. The proposed land use conforms to the plan.

To date, no comments in favor or opposition have been received.

Staff's public participation and notification of the cases include:

Newspaper publish dates:	Week of May 23, 2016
Mail-outs:	week of 05/30/2016
Site Posting:	06/03/2016
Website:	week of 05/23/2016

HISTORY: The subject property has its original GR zoning. It was platted in 1963 as Toltec Estates West. While the property is currently vacant at one point it was used as a storage yard under SUP-010-08. That use has since been "abandoned". No other permits for structures have been issued

EVIDENCE REQUIRED FOR VARIANCE:

a. *There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.*

b. *The special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self imposed by the property owners within the subject area.*

c. *The strict application of the regulations would work an unnecessary nonfinancial hardship.*

d. *The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.*

e. *The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

a. *There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.*

   ***ANALYSIS*:** The property has legal access. The property lines are regular and unremarkable and were created by sub-division plat. What is unique about this situation is that in 1974 the County approved a zoning regulations amendment that increased the minimum lot size in the GR zone from 12,000 to 54,450 square feet. All lots that were created prior to that date under the 54,450 sq. ft. size were now non-conforming, only lots that had uses and buildings on them were considered "grandfathered" or lawfully non-conforming. There are two solutions to this condition; acquire more property and amend the subdivision plat or request a variance.

   ***FINDING*:** There do appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. *That the special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.*

   ***ANALYSIS*:** The County increased the minimum lot size through a zoning regulations amendment. The code change was adopted without language pertaining to lots that were created prior to 1974.

   ***FINDING*:** The special circumstances referred to in subsection *(C) (4) (a)* are not self imposed.

c. *That the strict application of the regulations would work an unnecessary nonfinancial hardship.*

   ANALYSIS: The property is unusable in its current state.

   ***FINDING*:** Staff finds that the strict application of the regulations would work an unnecessary nonfinancial hardship.

d. *The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.*

   ***ANALYSIS*:** As mentioned earlier under section b, the County increased the minimum lot size which is a fairly substantial change to a zoning category. Although significant, the concept of such a change is certainly not unheard of. Through the legislative process a jurisdiction can determine that certain characteristics of a zoning category i.e. uses, setbacks, lot size no longer achieve the desired effect or create an undesirable pattern of development. The jurisdiction through the public hearing process can take comments form property owners and solicit input on the change and make the determination that that lot size in this case no longer is conducive to solid planning principles or quality development. A good illustration of this would be if industrial uses had no buffer requirement to residential. After a while the jurisdiction would receive input that industrial uses are negatively impacting property values and need to be located away from residential. The code is then changed to prevent future industrial projects from locating to close to residential. Industrial projects and uses that were built or established prior to adoption of the new codes could continue to be used but uses that went established have no right to locate closer because the code doesn't

allow it. This is essentially what is happening in this case today except **all** use has been removed. The fact the applicant is asking for residential use is a critical component of this variance. Several uses have been stipulated out due to the properties size and what staff believes is the original legislative intent. Staff recommends approval only if the recommended stipulations are attached; which establish the appropriate development standards that lots of these sizes typically enjoy.

***FINDING*:** Staff finds that granting the variance does appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. *The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

***ANALYSIS*:** the lot is still over one acre in size fairly large for an approved formal sub-division. The lot size is consistent with other properties in the area and if approved with the attached stipulations residential uses would have to be established in compliance with all construction codes. Staff has included stipulations that outline applicable setbacks that would be consistent other development in the area.

***FINDING*:** The granting of this variance will not affect the health or safety of persons residing or working within the subject area and adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

STAFF SUMMARY AND RECOMMENDATION: Based on the applicant's submittal documents and several site visits, staff was able to indentify evidence to support a variance.

Lastly, all Submittals, evidence presented, written documentation, public testimony, Planning Case Staff Report (BA-003-16) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:
**(Staff recommends please cite a minimum of three findings)
***(Suggested finding)

I move to approve case BA-003-16; a variance to **Section 2.40.020.B** of the PCDSC, to allow a reduction in the minimum required lot area from 54450 square feet (1.25 acres) to 44,431 square feet (1.02 acres) to allow the placement of a single family residential dwelling, based on (*please cite a minimum of three findings in a-e above*) with the following conditions:

1. all State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

2. The following uses and their accessory buildings and uses are permitted subject to all regulations of

this title, including, but not limited to, Chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

A. One single-family dwelling, conventional construction or manufactured home.
B. Child care (no more than five children for whom compensation is received).
C. Church, subject to the requirements set forth in PCDSC 2.150.220.
D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
F. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
G. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
H. Parks.
I. Private stables, arenas and corrals.
J. Public schools.
K. Farm use and/or animals, subject to conditions and limitations provided herein:
    i. The total number of livestock, such as cows, horses, sheep or goats allowed on a property shall be limited to two per acre;
    ii. No more than 20 chickens and rabbits may be kept on the property;
    iii. The raising of swine is not permitted.
L. Solar energy device, subject to the requirements set forth in Chapter 2.210 PCDSC.
M. Wireless communication facilities, subject to the requirements set forth in Chapter 2.205 PCDSC.
N. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

3. The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, Chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

A. Beauty salon or barber shop.
B. Bed and breakfast, subject to the requirements set forth in PCDSC 2.150.210.
C. Child care (more than five children for whom compensation is received).
D. Clubs, lodges, and assembly halls.
E. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
F. Group home of 11 or more residents or assisted living center.
G. Nursery for the growing, sale and display of trees, shrubs, and flowers.
H. Pet grooming facility.
I. Private school.
J. Wireless communication facility.

4. The development standards for this parcel are as follows:

A. Minimum lot area: 43,560 square feet (one acre).
B. Minimum lot width: 100 feet.
C. Minimum front setback: 30 feet.
D. Minimum side setbacks: 10 feet each.
E. Minimum rear setback: 40 feet.
F. Maximum building height: 30 feet.
G. Detached Accessory Buildings.
H. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
I. Maximum height: 20 feet;
J. Minimum distance to main building: seven feet;
K. Minimum distance to front lot line: 40 feet;

L. Minimum distance to side and rear lot lines: four feet if not used to house poultry or small animals; 15 feet if used to house poultry or small animals; 30 feet if used to house livestock; and

M. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

To Deny:

I move to deny case BA-003-16; a variance to **Section 2.40.020.B** of the PCDSC, to allow a reduction in the minimum required lot area from 54450 square feet (1.25 acres) to 44,431 square feet (1.02 acres) to allow the placement of a single family residential dwelling based, (*please cite a minimum of one finding*) as set forth in the staff report.

**** The granting of the variance is not necessary for the preservation and enjoyment of substantial existing property rights*

DATE PREPARED: 06/13/2016 - sja
REVISED:

BATTAGLIA

GUN FURY

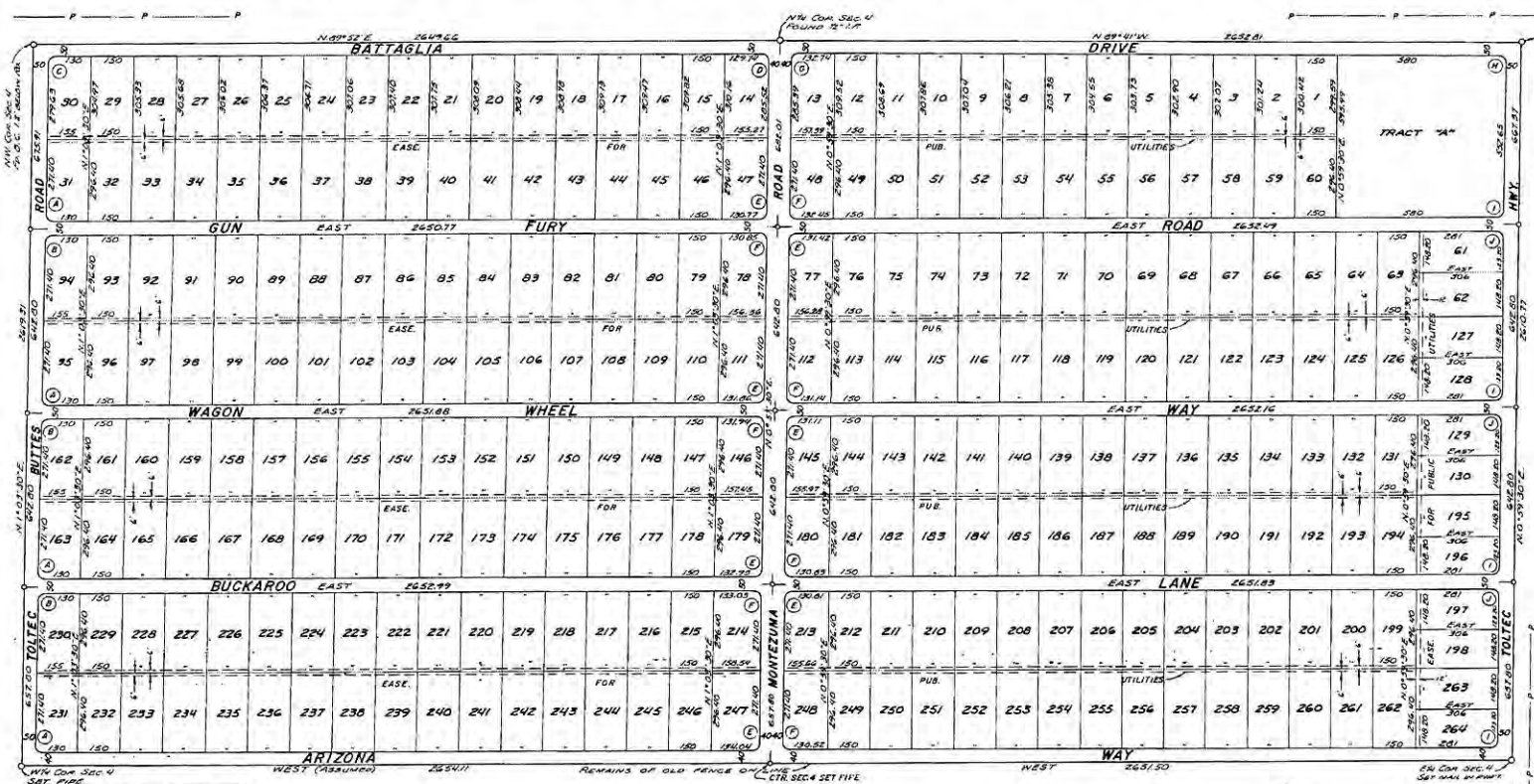
Site plan
6/16

Approved Subdivision PLAT 1963 Lot 78 is subject property

11-43

TOLTEC ESTATES WEST

A SUBDIVISION OF THE N1/2, SECTION 4, T. 8S., R. 7E., G. & S.R.B.&M., PINAL COUNTY, ARIZONA



RETURN DATA TABLE			
NO.	TANGENT	RADIUS	LENGTH
A	25.00	25.46	39.52
B	25.00	24.54	39.00
C	25.00	24.48	38.96
D	25.00	24.60	39.06
E	25.00	24.50	39.02
F	25.00	25.46	39.50
G	25.00	24.72	39.11
H	25.00	25.29	39.43
I	25.00	24.57	39.02
J	25.00	25.43	39.50

APPROVAL

THIS PLAT HAS BEEN APPROVED AS TO FORM AND CONTENTS.

Charles C. Jones
ZONING DEPARTMENT

[illegible]
HEALTH DEPARTMENT

[illegible]
ENGINEERING DEPARTMENT

THIS PLAT HAS BEEN APPROVED AS TO FORM IN ACCORDANCE WITH A.R.S. SEC. 9-475 THIS 16th DAY OF Sept. 1963, BUT THIS APPROVAL IS NOT AN ACCEPTANCE OF ANY STREETS OR ROADS AS COUNTY HIGHWAYS.

BOARD OF SUPERVISORS

ATTEST: [illegible]
CLERK

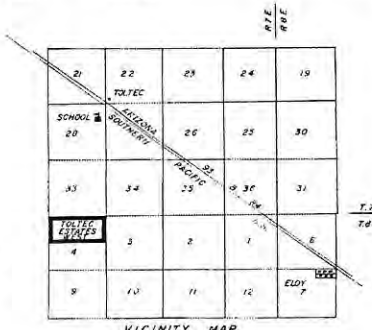
[illegible]
CHAIRMAN

CERTIFICATE

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF JANUARY, 1963.

[illegible]
REGISTERED LAND SURVEYOR

REGISTERED LAND SURVEYOR — ARIZONA, U.S.A.



VICINITY MAP
SCALE 1" = 1 MILE

SCALE 1" = 200'

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT THE PHOENIX TITLE AND TRUST COMPANY, AN ARIZONA CORPORATION, AS TRUSTEE, AND GEORGE D. KING AND ROSEMARY KING, HIS WIFE, AS MORTGAGEES, HAVE SUBDIVIDED UNDER THE NAME OF "TOLTEC ESTATES WEST" THE N1/2, SECTION 4, T8S., R7E, G.&S.R. B&M., PINAL COUNTY, ARIZONA, AS SHOWN PLATTED HEREON, AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "TOLTEC ESTATES WEST" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS AND TRACTS, CONSTITUTING SAME, AND THAT EACH LOT, STREET AND TRACT, SHALL BE KNOWN BY THE NUMBER, NAME OR LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE PUBLIC, FOR USE AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

IN WITNESS WHEREOF: THE PHOENIX TITLE AND TRUST COMPANY, AS TRUSTEE, HAS CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURES OF _____, ITS VICE PRESIDENT AND _____, ITS ASSISTANT SECRETARY, THEREUNTO DULY AUTHORIZED.

PHOENIX TITLE AND TRUST COMPANY — TRUSTEE

BY: [illegible] — VICE PRESIDENT
ATTEST: [illegible] — ASSISTANT SECRETARY

IN WITNESS WHEREOF: GEORGE D. KING, AND ROSEMARY KING, HIS WIFE, AS MORTGAGEES' HAVE HEREUNTO CAUSED THEIR NAMES TO BE AFFIXED, AND THE SAME TO BE ATTESTED BY THEIR SIGNATURES.

MORTGAGEES'

BY: [illegible] — GEORGE D. KING
ATTEST: [illegible] — ROSEMARY KING

ACKNOWLEDGEMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS 28th DAY OF FEBRUARY, 1963 BEFORE ME, THE UNDERSIGNED OFFICER PERSONALLY APPEARED D.W. O'BRIEN AND R.E. MATTSON, WHO ACKNOWLEDGED THEMSELVES TO BE VICE PRESIDENT AND ASSISTANT SECRETARY RESPECTIVELY, OF PHOENIX TITLE AND TRUST COMPANY, A CORPORATION, AND ACKNOWLEDGED THAT THEY AS SUCH OFFICERS, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION AS TRUSTEE BY THEMSELVES, AS SUCH OFFICERS, RESPECTIVELY.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES 9-10-65. [illegible]
NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS 26 DAY OF Feb 1963 BEFORE ME, THE UNDERSIGNED OFFICER PERSONALLY APPEARED GEORGE D. KING AND ROSEMARY KING, HIS WIFE, WHO ACKNOWLEDGED THEMSELVES TO BE MORTGAGEES' AND AS SUCH EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED, BY SIGNING THEIR NAMES AS MORTGAGEES'

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES 9-23-1963 [illegible]
NOTARY PUBLIC

DELTA SURVEYING, INC.
SCOTTSDALE, ARIZONA
JOB NO. 630106

Dan Kelly Ass. Inc.
Prof. Engrs. & Land Surv.
Phoenix, Ariz.
Carolyn Jones
267453

Current GR zone

Chapter 2.40
GR GENERAL RURAL ZONE[1]

Sections:

2.40.010 Uses permitted.

2.40.020 Site development standards.

2.40.030 Detached accessory buildings.

2.40.040 Cluster option.

2.40.010 Uses permitted. SHARE

A. One-family dwelling unit, conventional construction or manufactured home or mobile home.

B. Commercial Agricultural Uses.

1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and greenhouses, orchards, aviaries and apiaries.

2. The raising and marketing of poultry, rabbits and small animals, but slaughtering of only those raised on the premises.

3. The grazing and raising of livestock and horses, except that not more than three hogs shall be kept or maintained on any parcel, lot or tract under one ownership within 500 feet of any residential zone or more restrictive zone.

C. Public and quasi-public uses: church, club, museum, library, community service agency, clinic, public park, school, college, playground, athletic field, public or private utility and facilities, governmental structure; athletic, sport or recreation club; and hospital or sanatorium; such buildings shall be located at least 50 feet from any boundary line of the site.

D. Fruit, vegetable or agricultural products packing or processing plant, provided it is located on a site of not less than 10 acres and any buildings located thereon occupy not more than 30 percent of the site area.

E. Livestock sales yard or auction yard, provided, the site where located is not less than one-half mile from any residential zone or within one-half mile of any exterior boundary of a restricted zone or residence district established by any municipal corporation in this county in which the use requested is prohibited; and provided further, that the site is not less than 20 acres in area and applicant shall provide zoning inspector with written consent of 51 percent of the owners by number and area of property within 300 feet of proposed site.

F. A stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises provided the stand is not more than 10 feet to any street lot line and not closer than 20 feet to any other lot line.

G. Public riding stables and boarding stables, providing the site contains not less than 10 acres and the buildings housing animals set back from all lot lines a distance of not less than 100 feet.

H. Accessory building or use; home occupation, housing for seasonal farm labor, and private stable.

I. Dairy. [Ord. 61862 § 801].

2.40.020 Site development standards. SHARE

A. Building height: maximum height of any structure shall be 30 feet.

B. Minimum lot area: 54,450 square feet (one and one-fourth acres).

C. Minimum lot width: 100 feet.

D. Minimum area per dwelling unit: 54,450 square feet (one and one-fourth acres).

E. Minimum front yard: 40 feet.

F. Minimum side yards: 20 feet each.

G. Minimum rear yard: 40 feet.

H. Minimum distance between main buildings: 25 feet. [Ord. 61862 §§ 802 – 809].

2.40.030 Detached accessory buildings. SHARE

A. Permitted coverage: one-third of the total area of the rear and side yards.

B. Maximum height: 20 feet.

C. Minimum distance to main building: seven feet.

D. Minimum distance to front lot line: 60 feet.

E. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 15 feet to side lot line and four feet to rear lot line if building is used for poultry or small animals; 50 feet if used for livestock.

F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock. [Ord. 61862 § 810].

1962 GR ZONE

ARTICLE 7

GR GENERAL RURAL ZONE: An interim classification pending more intensive development and subject to more specific provisions on submittal of platting or development plans.

Sec. 701 USES PERMITTED:

a. Commercial agriculture, horticulture and animal husbandry, except that not more than 3 hogs, weighing more than 50 pounds each, shall be kept or maintained on any parcel, lot or tract under one ownership within 500 feet of any street or route shown on the official Map of Major Thoroughfares and Proposed Routes (Map C, Section 502) or within 500 feet of another zone.

b. Residence: Single, duplex or multiple dwelling, boarding or rooming house, tourist court, tourist camp, trailer or trailer court, hotel, guest ranch

c. Business: Any use permitted in Section 1401-b (Local Business Zone); and animal hospital, kennel or commercial stable, provided such building is not less than 200 feet from any dwelling.

d. Public and quasi-public uses: Church, club, museum, library, community service agency, clinic, public park, school, college, playground, athletic field, public or private utility and facilities, governmental structure, athletic, sport or recreation club; and hospital or sanatorium provided the building site of any hospital is not less than 4 commercial acres and that such buildings occupy not more than 30% of the building site and are located at least 50 feet from any boundary line of the site.

e. Fair, carnival, circus or tent show for not longer than 15 days

f. Accessory building or use, home occupation, housing for seasonal farm labor, private stable.

g. Industry: Any use permitted in Sections 1601-c and 1601-d (C1-1 Light Industry and Warehouse Zone) and in Section 1701-b (C1-2 Industrial Zone).

h. The following uses, if located no closer than 500 feet to any county road, or to any street or route shown on the Map of Major Thoroughfares and Proposed Routes, (Map C, Section 502) or if located no closer than 500 feet to any zone, other than GR, established by this Ordinance; provided, however, that if located within 500 feet of any said street or route or such established zone, these uses shall be permitted only under the conditions hereinafter set forth:

1 of 4

1. Airport, airstrip or landing field, subject to the conditions set forth in Subsection 601-j of this Ordinance.

2. Racetrack or sports stadium, subject to the conditions set forth in Subsection 601-o of this Ordinance.

3. Amusement resort, provided no amusement device or stable shall be within 100 feet of a residential zone; no loud speakers or amplification shall be used and no loud whistles permitted; no amusement devices shall be operated after ten in the evening; that ample space shall be provided for off-street parking; and that a fence, wall or screen of shrubbery less than 6 feet or more than 8 feet in height shall be provided and maintained along any boundary of the property abutting or within 500 feet of a residential zone.

4. Drive-in theater, provided that the face of any projection screen be not visible from any county road or any street or route shown on the adopted Map of Major Thoroughfares and Proposed Routes, (Map C, Section 502) which is within 500 feet of said screen; provided further that the site for said theater shall consist of not less than 10 acres of land and be a single tract or parcel not intersected or divided by any street, alley or by property belonging to any other owners; that any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets; that the plans for said theater shall have been approved by the County Engineer, indicating no undue traffic congestion, due to the location and arrangement of the theater, including the car rows and aisles and minimizing the danger of fire and panic; that acceleration and deceleration lanes shall be provided along the public thoroughfare adjacent to the entrance and exit of the theater; that parking space or storage lanes for patrons awaiting admission shall be provided on the site in an amount equal to not less than 30% of the vehicular capacity of the theater; that vehicular circulation shall be so designed and constructed as to permit only one-way traffic within the boundaries of the tract on which the theater is located; that emergency exits shall be provided; that sanitary facilities and the method of food handling shall be approved by the County Health Department; that definite plans for shrubbery and landscaping shall be presented to the Zoning Inspector and made a part of the permit; that the nearest point of the theater property, including driveways and parking areas shall be at least 750 feet from the boundary of a district zoned for residential use; and, provided further, that all other conditions of the zone are fully observed.

5. Building material or contractor's or well driller's equipment yard, lumber or commercial feed yard, provided that the same shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall compact evergreen hedge or uniformly painted board fance not less than 6 feet or more than 8 feet in height.

6. Fair, carnival, circus or tent show for longer than 15 days, provided the same shall be conducted on a site of not less than 10 acres, that the area occupied shall be paved or graveled to keep dust to a minimum, and, provided further, that the applicant for the permit shall provided the Zoning Inspector with the written consents of 51% of the owners by number and area of property within 300 feet of the site.

7. Fruit, vegetable, or agricultural products packing or processing plant, provided the same is located on a site of not less than 10 acres and any buildings located thereon occupy not more than 30% of the site area.

8. Hog ranch, provided the site where located is not less than one-half mile from any other residential zone or within one-half mile of any exterior boundary of a restricted zone or residence district established by any municipal corporation in this county in which the use requested is prohibited, and, provided further, that the site is not less than 50 acres in area and that the applicant for the permit shall provide the Zoning Inspector with the written consents of 51% of the owners, by number and area, of property within 300 feet of said proposed site.

9. Livestock sales yard or auction yard, provided that the same is not less than 20 acres in area and meets all other requirements set forth in the previous subsection for a hog ranch.

10. Radio or television tower or station, subject to the conditions set forth in Subsection 601-u of this Ordinance.

11. Sewage disposal plant not owned or operated by a municipal corporation or sanitary district, provided the applicant for the permit shall provide the Zoning Inspector with the written consents of 75% of the owners, by number and area, of property within 1,000 feet of the site thereof.

i. Motion picture studio, provided that the site is not less than 40 acres in area, that no building or structure is within 100 feet of the boundary of the site, that permanent buildings and structures occupy in total not more than 50% of the area of the required minimum site, that all outdoor lighting is controlled so as not to reflect on any adjoining property in residential use, and, provided further, that the applicant for the permit shall provided the Zoning Inspector with the written consents of 75% of the owners, by number and area, of property within 1,000 feet of the site.

Sec. 702 MAXIMUM BUILDING HEIGHT: 2 stories or 30 feet

Sec. 703 MINIMUM LOT AREA: 12,000 square feet

Sec. 704 MINIMUM LOT WIDTH: 70 feet

Sec. 705 MINIMUM AREA PER DWELLING UNIT OR TRAILER: 12,000 square feet

Sec. 706 MINIMUM FRONT YARD: 30 feet

Sec. 707 MINIMUM SIDE YARDS: 10 feet each

Sec. 708 MINIMUM REAR YARD: 40 feet

Sec. 709 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 20 feet

Sec. 710 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: One-third of the total area of the rear and side yards

b. Maximum height: 20 feet

c. Minimum distance to main building: 7 feet

d. Minimum distance to front lot line: 60 feet

e. Minimum distance to side and rear lot lines: 4 feet if building is not used for poultry or animals; 15 feet to side lot line and 4 feet to rear lot line if building is used for poultry or small animals; 50 feet if used for livestock.

Sec. 711 MAINTENANCE OF STOCK-TIGHT FENCES: In a GR zone any owner or tenant who owns, pastures, herds or cares for livestock on said premises and whose premises abut the boundary of any area in an SR, or any residential, business or industrial zone, shall erect and maintain a stock-tight fence and necessary cattle guards along the boundaries of his property.

Sec. 712 USE PERMITS: In a GR zone, the Zoning Inspector may waive the issuance of a building or use permit for any building or use located more than 500 feet from a street or route shown on the Map of Major Thoroughfares and Proposed Routes (Map C, Section 502), or more than 500 feet from any other zone established by this Ordinance; provided, however, that at any time a property owner may apply for a certificate of occupancy establishing the character of use of his property and its conformity with the terms of this Ordinance.

PINAL • COUNTY
wide open opportunity

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications **Must** Be Typed or Written in Ink)

1. The legal description of the property: LOT 78, OF TOLTEC ESTATES WEST, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, IN BOOK 11 OF MAPS, PAGE 43

2. Tax Assessor Parcel No.: 408-03-79B

3. Current zoning: RESIDENTIAL Requested zoning (if applicable) N/A

4. The size (to the nearest 1/10th of an acre): ~~1.2~~ 1.02 +/- ac

5. The existing use of the property is as follows: VACANT

6. The proposed use under this request: ELECTRICITY/ELECTRIC METER IS NEEDED IN ORDER TO REPAIR THE EXISTING DOMESTIC WATER WELL AND IMPROVE THE LAND FOR RESIDENTIAL USE, VARIANCE FROM SECTION 2.40.020

7. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # _____

8. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the present zoning was adopted.
TO MY KNOWLEDGE, THE ORIGINAL PARCEL WAS DIVIDED INTO TWO SEPARATE PARCELS. IT APPEARS THAT THE STREET NAMES HAVE CHANGED SINCE THE INITIAL DEVELOPMENT.

RECEIPT #: AMT: 500.00 DATE: CASE: BA-003-16

The Pinal County Board of Adjustment is authorized to grant a variance of regulations where it finds that absolute conformance to the regulations in an established zone would present an unnecessary hardship on the applicant. The "Hardship" must be related to the physical aspects of the land and not a personal or self-imposed hardship. The applicant must present evidence to prove: (use additional pages if necessary)

9. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area.
THE VACANT PROPERTY ONLY HAS A DOMESTIC WATER WELL AND IS SURROUNDED BY A 6' CHAIN LINK FENCE.

10. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.
IF THE DOMESTIC WATER WELL IS UNABLE TO BE REPAIRED DUE TO THE LACK OF ELECTRICITY, THIS WOULD CAUSE A HARDSHIP TO THE REQUIRED RESIDENTIAL DEVELOPMENT NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF THIS PROPERTY.

11. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
NO.

12. That the variance will not allow a use that is not permitted in the zoning district where the property is located.
NO.

13. That the special circumstances or conditions referred to item 9 above are not self-imposed.
PRE-EXISTING CONDITION.

14. The applicant shall present evidence of the ability and intention to proceed with actual construction work in accordance with the plans shown within nine (9) months after issuance of a variance.

THIS APPLICATION MUST BE SUBMITTED IN PERSON

I CERTIFY THAT I HAVE SUBMITTED ALL OF THE REQUIRED INFORMATION LISTED ABOVE, AND THAT THE INFORMATION IS FACTUAL. I ALSO UNDERSTAND IF THE APPLICATION IS INCOMPLETE UPON SUBMISSION, IT CANNOT BE FURTHER PROCESSED AND MAY BE DELAYED UNTIL A FUTURE HEARING DATE.

Joey Martinez POB 118, Eloy, AZ 85131 520-483-2279

NAME OF APPLICANT ADDRESS PHONE #

If the applicant is not the landowner, a notarized letter authoring the applicant to represent the owner must accompany this application.

Same

NAME OF LANDOWNER ADDRESS PHONE #

ALL NOTICES WILL BE MAILED TO THE APPLICANT UNLESS OTHERWISE NOTED:

Same

NAME AND ADDRESS OF PERSON TO BE NOTIFIED. PHONE #

SIGNATURE OF APPLICANT DATE

SIGNATURE OF APPLICANT DATE

VARIANCE SUBMITTAL CHECKLIST

THE FOLLOWING INFORMATION MUST BE SUBMITTED AS PART OF THIS APPLICATION FOR A VARIANCE OF ZONING REGULATIONS:

CHECK IF COMPLETE

✓ 1. Completed application for a Variance.

✓ 2. Site Plan Prepared at a minimum scale of 1" = 100". If larger than 11' x 17" the applicant shall submit a legible, black line reduction of the site to 11" x 17" maximum. The minimum requirements for the site plan are outlined on page 3 of this application. In addition to the minimum requirement, the site plan shall include:

A) Location of unusual natural or topographic features of the site
B) Preliminary floor plans and elevations of all proposed buildings

✓ 3. A name list, verified by the applicant, made within 30 days prior to this submission, of the names, mailing addresses and tax parcel number of all property owners within 600' of this parcel.

✓ 4. Non-refundable filing fee for a variance based on the following

A) Residential with 0-499 mail-outs ~~$2,084.00~~ 500.00 JA

B) Residential with 500 or more mail-outs: $2,430.00

C) Commercial, industrial or transition with 0-499 mail-outs: $2,084.00

D) Commercial, industrial or transition with 500 or more mail-outs: $2,399.00

✓ 5. Signed Variance Checklist

I CERTIFY THAT I HAVE SUBMITTED ALL OF THE REQUIRED INFORMATION LISTED ABOVE, AND I UNDERSTAND THAT THIS APPLICATION FOR A VARIANCE CANNOT BE PROCESSED UNTIL ALL REQUIRED INFORMATION IS SUBMITTED.

Joey Martinez

SIGNED BY: DATE:

SIGNED BY: DATE:

PROPERTY OWNERSHIP LIST
(REQUIRED FOR FILING ALL APPLICATIONS)
(IF ADDITIONAL COPIES OF THIS FORM ARE NEEDED, PLEASE PHOTOCOPY)

INSTRUCTIONS:

PRINT NAME, ADDRESS, CITY, STATE, ZIP CODE AND TAX PARCEL NUMBER FOR EACH PROPERTY OWNER WITHIN 600 FEET OF THE SUBJECT PARCEL BOUNDARY.

Parcel No.: 408-03-079C
Name: REVUELTAS ESTEPANIA ROJAS
Address: PO BOX 339
City/ST/Zip: ELOY, AZ 85131

Parcel No.: 408-03-079C
Name: Property Address
Address: 5753 W Gun Fury Rd
City/ST/Zip: Casa Grande, AZ 85193

Parcel No.: 408-03-0770
Name: ROBLES EFRAIN RAMOS & MEDINAS CATALINA
Address: PO BOX 410
City/ST/Zip: ELOY, AZ 85131

Parcel No.: 408-03-0770
Name: Property Address
Address: 5641 W Gun Fury Rd
City/ST/Zip: Casa Grande, AZ 85193

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

Parcel No.:
Name:
Address:
City/ST/Zip:

SEE ATTACHED

I HEREBY VERIFY THAT THE NAME LIST ABOVE WAS OBTAINED ON THE 24 DAY OF May, 20 16, AT THE OFFICE OF Pinal County, AND IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

05-24-16
DATE

ACKNOWLEDGED BEFORE ME BY EMMA M Cortez, ON THIS DAY 24th OF MAY, 20 16.

(SEAL)

EMMA M CORTEZ
Notary Public, State of Arizona
Pinal County
My Commission Expires
August 13, 2019

SIGNATURE OF NOTARY PUBLIC

408030110
GUTIERREZ WALDO & MARIA ANTONIA,
PMB 363
ELOY, AZ 85131

408030120
ZIMMER MARYFRANCES,
5930 FRANKLIN AVE
HOLLYWOOD, CA 90028

408030130
MUNOZ JOSE L & EVA,
PO BOX 481
ELOY, AZ 85131

408030140
ESTRELLA CARLOS A,
3250 W MADERA DR
ELOY, AZ 85131

408030150
ESTRELLA CARLOS A,
3250 W MADERA DR
ELOY, AZ 85131

408030160
ESTRELLA CARLOS A,
3250 W MADERA DR
ELOY, AZ 85131

408030170
MUNOZ MARIA I,
PO BOX 547
ELOY, AZ 85131

408030180
ROSAS PERLA,
MAIL RETURN
.

408030430
DOUCETTE JEFFREY,
3119 W LOUISE DR
PHOENIX, AZ 85027

408030440
ABED AMMAR S, C/O AMMAR ABED
41817 W SUNLAND DR
MARICOPA, AZ 85138

408030450
ABED AMMAR S,
41817 W SUNLAND DR
MARICOPA, AZ 85138

408030460
BARAJAS ALEJANDRO,
501 E RAY RD LOT 18
CHANDLER, AZ 85225

408030470
BARAJAS ALEJANDRO,
501 E RAY RD LOT 18
CHANDLER, AZ 85225

408030480
AVILA JOSE,
230 W MAC ARTHUR
TUCSON, AZ 85714

408030490
ZUNIGA ALICIA,
26025 W SHANGRA LA
CASA GRANDE, AZ 85193

408030500
JUAREZ AUGUSTINA,
606 S PENN ST
ELOY, AZ 85131

408030510
ABED AMMAR & IZDIHAR,
41817 W SUNLAND DR
MARICOPA, AZ 85138

408030740
BECKER WINIFRED M,
1475 NAMOUNA ST
CARPINTERIA, CA 93013

408030750
BECKER WINIFRED M,
1475 NAMOUNA ST
CARPINTERIA, CA 93013

408030760
AINSA CECILIA M & DALE A,
441 W 3RD ST APT 203
SAN PEDRO, CA 90731

408030770
ROBLES EFRAIN RAMOS & MEDINAS CATALI
PO BOX 410
ELOY, AZ 85131

40803079B
MARTINEZ JOEY,
PO BOX 118
ELOY, AZ 85131

40803079C
REVUELTAS ESTEPANIA ROJAS,
PO BOX 339
ELOY, AZ 85131

408030800
WHITFIELD RUSSELL J & LINDA K TRS,
2101 S MERIDIAN RD LOT 115
APACHE JUNCTION, AZ 85120

408030810
BROWN SHIRLEY J,
9160 E D AVE APT 604
RICHLAND, MI 49083

408030820
WHITFIELD ROGER J & PATRICIA J,
10620 N 45TH ST
AUGUSTA, MI 49012

408030830
WHITFIELD CHARLES D & SUZANNE M,
5400 PERCY AVE
KALAMAZOO, MI 49001

408031060
TRAN PHUOC KIM,
9480 MANDRAKE CT
ELK GROVE, CA 95624

408031070
DONNELLY BARBARA ANN TR,
240 S FIG
ESCONDIDO, CA 92025

408031080
DONNELLY ELLEN E,
PO BOX 523
ARIZONA CITY, AZ 85123

BA-0031-16

408031090
MONTGOMERY JERRY LEE & LETA ARBUTIS
301 E ROBBINS RD
GRAPEVIEW, WA 98546

408031100
SPENCER ELEONORA P & MICHAEL G,
2585 BARTOLO DR
LAND O LAKES, FL 34639

408031110
SPENCER ELEONORA P & MICHAEL G,
2585 BARTOLO DR
LAND O LAKES, FL 34639

408031120
SANTOS SAUL ALVARDO, AVILA JUANA
1602 E FAIR ST
TUCSON, AZ 85714

408031130
HISEL WANDA,
1583 S SIMCO RD
BOISE, ID 83716

408031140
AKKURT FR GABRIEL,
3126 N GRANITE REEF RD
SCOTTSDALE, AZ 85251

408031150
PEER JOAN, C/O PEER RON
2411 E LARKSPER DR
PHOENIX, AZ 85032

408031430
RAYGOZA OSWALD C,
3250 N PEARCE ST
ELOY, AZ 85131

408031440
JARZEMSKI JOSEPH S,
11746 TELFAIR RD
PHILADELPHIA, PA 19154

408031450
JARZEMSKI JOSEPH S,
11746 TELFAIR RD
PHILADELPHIA, PA 19154

408031460
AVILA BENERANDA ,
PO BOX 409
ARIZONA CITY, AZ 85123

408031470
AVILA BENERANDA ,
PO BOX 409
ARIZONA CITY, AZ 85123

408031480
PACHECO PABLO, PACHECO MARIA N AGUIF
PO BOX 419
ELOY, AZ 85131

408031490
DONNELLY FRANK,
2729 CHAPMAN BLVD
PUNTA GORDA, FL 33950

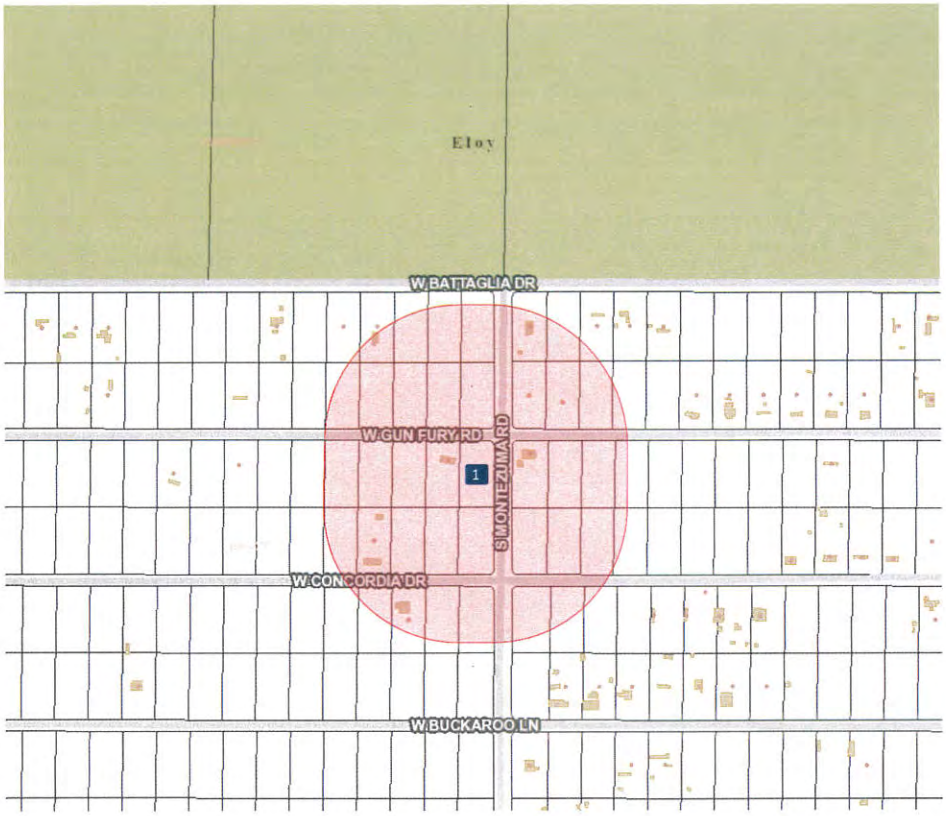
408031500
DONNELLY BARBARA ANN LIVING TRUST,
240 S FIG ST
ESCONDIDO, CA 92025

BVA-003-16

5/26/2016

PINAL • COUNTY
Wide open opportunity

Pinal County Web Map



Pinal County does not guarantee the information contained in this map to be an accurate representation of actual existing conditions